

## *Annual Town Meeting* *April 13, 2015*

**A**t the Annual Town Meeting duly called and held in the P. Brent Trottier Middle School, Southborough, on Monday, April 13, 2015 at 7:00PM the following ARTICLES were voted on in a legal manner. There was a quorum present (100 Voters = quorum); 239 voters were present.

Checkers:	Alice B. Gaffney	Sally Watters
	Linda C. Hubley	Karen A. White
	Delia A. Mulvaney	Jean Wood

The following Tellers were appointed by Moderator David A. Coombs and sworn-in by Temporary Town Clerk, Michelle A. Jenkins:

Tellers:	Susan G. Baust	28 Latisquama Road
	Roger W. Challen	29 Oak Hill Road
	Joseph C. Laning	9 Maplecrest Drive
	Barbara A. Murphy	202 Cordaville Road
	Craig W. Nicholson	30 Pinecone Lane
	Paul O. Smith	55 School Street

The Town Moderator, David A. Coombs, called the meeting to order at 7:10PM.

The Colors were presented by The GIRL SCOUTS from the following Troops:

Troop 75014: Freya Blank, Lily Chan, April Davis, Emily Hinterneder, Alison Hojlo, Sanjana Singh, Alexandra Varner

Troop Leaders: Angela Varner and Jeanine Hinterneder

Troop 72786: Sarah Boush, Olivia Lipman, Charlotte Roiter, Eve Roiter

Troop Leaders: Gina Krueger and Julie Jenks

A moment of silence was held in memory of those persons who have served the Town in the past:

Henry B. Adams – Selectman 1957-1960

Lois W. Denman – Election Worker

James F. Finneran, III – Police Officer

Judith E. Kearns – Art Teacher, Southborough Schools

Charles Raymond O'Connell – Sergeant, Police Department, Constable and Personnel Board

Alice L. Phillipo – Southborough Senior Center, Meals on Wheels

Angeline S. Pessini – Southborough Senior Center and Election Worker

Margaret A. Tuttle – Southborough Library, Meals on Wheels

The boundaries of the Auditorium were outlined by the Moderator to include all of the floor area. The cafeteria was set up for the non-registered (non-voting) public to view Town Meeting from a television with live cable viewing of the Town Meeting.

The Town Moderator noted the receipt of the return of the posting of the Warrant for the Annual Town Meeting by the Constable.

***Annual Town Meeting (continued)***

The Town Moderator had requests from the following non-voters to attend the Annual Town Meeting. There being no objections from the floor, it was voted to allow the following non-voters to remain:

Brian P. Ballantine, Finance Director  
Jennifer L. Burney, Town Planner  
Leslie R. Chamberlin, Public Health Nurse  
Trevor Lucas Dillman, Southborough Access Media  
Ryan Donovan, Library Director  
David Finneran, Southborough Teachers Association President  
Karen M. Galligan, Superintendent of Public Works  
Bridget Gilleney-Decenzo, Cemetery Director  
Vanessa D. Hale, Assistant Town Administrator  
Ernest Houle, Superintendent-Director of Assabet Valley Regional Technical High School  
Michelle A. Jenkins, Temporary Town Clerk  
Christine M. Johnson, Superintendent of Schools  
Salim Kassouf, Finance  
Heidi Kriger, Town Accountant  
Pamela LeFrancois, Senior Center Director  
Cheryl L. Levesque, Director of Business  
Kristopher Luoto, Director of Business Operations, Assabet Valley Regional Technical High School  
Gregory Martineau, Assistant Superintendent of Schools  
Danny Martins, Fire Department  
Joseph C. Mauro, Jr., Fire Chief  
Terry Newman, Southborough Access Media  
John Parent, Facilities Manager  
Kenneth M. Paulhus, Chief of Police  
Jonathan Phelps, Metrowest Daily News  
Paul C. Pisinski, Public Health Director  
Mark J. Purple, Town Administrator  
Mark S. Robidoux, Inspector of Buildings  
Beth Rosenblum, Conservation Administrator  
Christopher Shanahan, Fire Department  
Laurie Sugarman-Whittier, Director of Youth and Family Services  
Jason Talerma, Attorney  
Jean E. Tower, Director of Technology

**MOTION MADE:** To waive the reading of the Warrant.

**MOTION PASSED UNANIMOUSLY.**

**ARTICLE 1:** To hear reports of the various Town Officers and Committees and to take such action thereon as the Town may vote.

Proposed by: BOARD OF SELECTMEN

Board of Selectmen Recommendation: Support

Advisory Committee Recommendation: At Town Meeting

Summary: *To hear reports of Town Boards, Committees or Commissions.*

**MOTION MADE:** That the Town hear reports of the various Town Officers and Committees and to take such action thereon as the Town may vote.

**MOTION PASSED UNANIMOUSLY.**

***Annual Town Meeting (continued)***

The following Town Officers and/or Committee members gave a report:

- Mary Lou Woodford and Nancy A. Sacco – Presentation of the Dr. Timothy Stone Public Health Award – Dr. Louis Fazen recipient.
- Brian E. Shea - Advisory Committee Chairman
- Frederica Jayne Gillespie – Community Preservation Chairwoman
- Ryan Donovan – Library Director
- Alfred C. Hamilton – Public Safety Building Committee Chairman
- David K. McKay – Economic Development Chairman

**ARTICLE 2:** To see if the Town will vote to accept any sum of money from St. Mark's School, Fay School, Harvard Medical School, New England Regional Primate Research Center, L'Abri Fellowship, The New England Center for Children, and any other contributor and deposit same amount in Estimated Receipts Account, and determine what disposition shall be made of the same, if accepted, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN

Board of Selectmen Recommendation: Support

Advisory Committee Recommendation: Support

Summary: *To allow the Board of Selectmen to accept donations from Tax Exempt organizations and determine the disposition of funds.*

**MOTION MADE:** That the Town vote to accept any sum of money from St. Mark's School, Fay School, Harvard Medical School, New England Regional Primate Research Center, L'Abri Fellowship, The New England Center for Children, and any other contributor and deposit same amount in Estimated Receipts Account, and determine what disposition shall be made of the same, if accepted.

**MOTION PASSED UNANIMOUSLY.**

**ARTICLE 3:** To see if the Town will vote to authorize the Town Treasurer, with the approval of the Selectmen, to borrow from time to time in anticipation of revenue of the financial year beginning July 1, 2015 in accordance with the provisions of Massachusetts General Laws, Chapter 44, and to issue a note or notes as may be given for a period of less than one year in accordance with Massachusetts General Laws, Chapter 44, Section 17 as amended, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN

Board of Selectmen Recommendation: Support

Advisory Committee Recommendation: Support

Summary: *This article allows the Town Treasurer to short-term borrow in anticipation of revenue.*

**MOTION MADE:** That the Town vote to authorize the Town Treasurer, with the approval of the Selectmen, to borrow from time to time in anticipation of revenue of the financial year beginning July 1, 2015 in accordance with the provisions of Massachusetts General Laws, Chapter 44, and to issue a note or notes as may be given for a period of less than one year in accordance with Massachusetts General Laws, Chapter 44, Section 17 as amended.

**MOTION PASSED UNANIMOUSLY.**

***Annual Town Meeting (continued)***

**ARTICLE 4:** To see if the Town will vote in accordance with the provisions of Massachusetts General Laws Chapter 30B, Section 12(b), to authorize the Board of Selectmen or the Superintendent of Schools to solicit and award contracts for terms exceeding three years, including any renewal, extension or option, provided in each instance the longer term is determined to be in the best interest of the Town by a vote of the Board of Selectmen or the School Committee, as appropriate, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN

Board of Selectmen Recommendation: Support

Advisory Board Recommendation: Support

Summary: *This article allows the Selectmen and/or the School Committee to enter into contracts in excess of three years, if deemed in the best interest of the Town to do so. This has been an annual article, and the exemption has been limited to contracts of no more than seven years.*

**MOTION MADE:** That the Town vote in accordance with Massachusetts General Laws Chapter 30B, Section 12(b) to authorize the Board of Selectmen and Superintendent of Schools to solicit and award contracts for terms exceeding three years to a maximum of seven years, including any renewal, extension or option, provided in each instance the longer term is determined to be in the best interest of the Town by a vote of the Board of Selectmen or the School Committee.

**MOTION PASSED UNANIMOUSLY.**

**MOTION MADE:** That the Town vote to discuss Articles 5 and 6 together for purpose of discussion; they shall be voted upon separately.

**MOTION PASSED UNANIMOUSLY.**

**ARTICLE 5:** To see if the Town will vote to accept the following changes, as noted in BOLD in the Personnel Salary Administration Plan, as specified in Chapter 31 of the Code of the Town of Southborough, entitled: PERSONNEL.

**SALARY ADMINISTRATION PLAN AND PERSONNEL BY-LAWS  
OF THE TOWN OF SOUTHBOROUGH**

This by-law establishes a Salary Administration Plan for the Town of Southborough that (i) groups position classifications in Town services, (ii) establishes salary schedules and employee benefits and (iii) establishes and authorizes the Personnel Board to administer the by-law and to represent the interest of both the taxpayers and the Town employees.

This Salary Administration Plan applies to the positions of all officers and employees in the service of the Town, whether full-time, part-time, temporary, seasonal, special or any other, except those positions filled by popular election, under the direction and control of the School Committee, or encompassed in any officially recognized labor union and/or association. The positions covered by this Salary Administration Plan are hereby classified by titles in the groups listed in Schedule A through H ("Classification Schedule") as set forth in Section 20 of this by-law.

The classification of positions subject to the Massachusetts Welfare Compensation Plan (as amended) and the scheduled rates therefor, as well as the applicable provisions of the Massachusetts General Laws relating to the application of rates set forth in the aforementioned Welfare Compensation Plan are hereby incorporated by reference.



*Annual Town Meeting (continued)*

SECTION 1. DEFINITIONS

As used in this by-law, the following words and phrases shall have the following meanings:

"Administrative Authority" means the elected or appointed official or board having jurisdiction over a function or activity.

"Anniversary Date" means the date 180 days after (i) the first day of employment or (ii) the date of any promotion, whichever is later.

"Base Pay" means the compensation paid by the Town of Southborough for the purposes of determining retirement credits and contributions for Town employees.

The Town shall contribute funds as required for each eligible employees in accordance with the procedures and formula established by the Worcester Regional Retirement System and the by-laws of the Town of Southborough. Contributions shall include (i) wages earned during the first eight hours worked in any one day (no contributions shall be made for hours worked in excess of 40 per week,) (ii) any lump sum bonus that is guaranteed by the Salary Administration Plan or the By-Laws of the Town, (e.g., longevity pay); (iii) vacation pay, except when paid in lieu of taking vacation; (iv) sick pay; and (v) holiday pay.

"Class" means a group of positions in the Town service sufficiently similar with respect to duties and responsibilities such that for each position the same (i) descriptive title may be used, (ii) qualifications shall be required, (iii) tests of fitness may be used to choose qualified employees and (iv) scale of compensation can be equitably applied.

"Classification Schedule" means any of Schedules A, B, C, D, E, F, G and H of Section 20 hereof.

"Compensation Grade" means a range of salary/wage rates as may appear in the Classification Schedules.

"Continuous Full-Time Service" means employment requiring a predetermined minimum work period that is uninterrupted except for authorized leaves (e.g., vacation, sick, etc.).

"Continuous Employment" means full-time or part-time employment that is uninterrupted except for authorized leaves (e.g., vacation, sick, etc.).

"Department" means a functional unit of Town government.

"Department Head" means the person appointed and responsible to carry out the duties of a Department.

"Full-Time Employment" means employment for not less than 20 hours per week for fifty-two weeks per annum, excepting authorized holidays and leave periods.

"Group" means a group of classes as may appear in the Classification Schedules.

"Maximum Rate" means the highest compensation rate to which an Employee is entitled.

"Minimum Rate" means the lowest rate in a Range, and is normally the hiring rate of a new employee.

"Part-Time Employment" means employment less than 20 hours per week.

### *Annual Town Meeting (continued)*

"Position" means an office or post of employment in the Town service with duties and responsibilities calling for the Full-Time or Part-Time Employment of one person in the performance and exercise thereof (or of more than one person sharing the same position).

"Position Class" means the same as "Class" (note that a class may include only one position, in which event it is defined as a "single position class").

"Promotion" means a change from one position to another position in a higher class and/or compensation grade.

"Range" means the difference between minimum and maximum rates of an assigned grade.

"Rate" means the measure of compensation for personal services on an hourly, weekly, monthly, annual or other basis.

"Salary Administration Plan" means this Salary Administration Plan and Personnel By-Laws of the Town of Southborough.

"Single Rate" means a rate for a specific position class that is not in a designated range.

### SECTION 2. POSITION TITLES

No person shall be appointed, employed or paid in any position under any title other than those of the Classification Schedule for which the duties are actually performed. The position title in the Classification Schedule shall be the official title for all purposes, including payrolls, budgeting and official reports.

### SECTION 3. NEW OR CHANGED POSITIONS

No new position shall be established, nor the duties of an existing position so changed that a new level or work demand exists, unless upon presentation of substantiating data satisfactory to the Personnel Board, the Board shall rate such new or changed position, and allocate it to its appropriate classification grade and establish the rate therefor.

### SECTION 4. RECLASSIFICATION OF EMPLOYEES

No position may be reclassified to another grade, whether higher or lower, unless the Personnel Board shall have determined such reclassification is consistent with this Salary Administration Plan, **and it shall be approved at an annual or special town meeting.**

### SECTION 5. JOB DESCRIPTIONS

The Personnel Board shall maintain written job descriptions of the position classes in the Classification Schedule, each consisting of a statement describing the essential nature of the work required of such classes. Each Department Head shall be required to retain current job descriptions and to submit any revisions to the Personnel Board (following any review by the Board of Selectmen or their designated appointee or the appropriate Commissioners or Trustees). The description for any class shall not be deemed to limit the duties or responsibilities of any position, nor to affect in any way the power of any administrative authority to appoint, to assign duties to, or to direct and control the work of any employee under the jurisdiction of such authority.

*Annual Town Meeting (continued)*

**SECTION 6. COMPENSATION**

a. The bi-weekly pay period shall begin at 12:00 a.m. Thursday and shall end at 11:59 p.m. on the following second Wednesday.

b. Non-exempt employees subject to this Salary Administration Plan shall be paid for one and one-half hours worked for any hour worked in the excess of forty in their normal pay period, provided such extra hours were authorized by the Department Head.

c. The salary schedules set forth in Schedules A, B, C, D, E, F and G of Section 20 hereof reflect the maximum and minimum salaries for each grade.

d. Salary set forth in Schedule A represents a 40 hour work week and in the event an employee works less than 40 hours per week but more than 20 hours per week, the indicated salary is pro-rated reflective of the posted salary schedule in Schedule A.

e. Amounts paid to employees in reimbursement for expenses incurred in the performance of their duties (e.g., mileage, meals, dues, etc.) shall be paid in addition to their compensation. Reimbursement shall be based upon the actual documented expenditure made by the employee, or at rates established by the Internal Revenue Service, supported by that agency's requirements for documentation.

**SECTION 7. ADJUSTMENT & COMPENSATION POLICIES**

a. Every employee that is in Continuous Full-Time or Part-Time service of the Town, as computed from the date of their latest employment, shall be eligible annually for consideration of a merit increase, one year from the date of his/her latest increase. Except as may be authorized by the Personnel Board in exceptional circumstances, such increase is not to exceed one increase in any single twelve-month period until the maximum of the grade is obtained, and such increase shall be subject to the approval of the Department Head, the Board of Selectmen or their designated appointee, or the appropriate Commissioners or Trustees.

An evaluation of the employee's performance, in a format approved by the Personnel Board, must accompany a request for an increase. Upon receiving such documentation, the Personnel Board shall have final review and approval of all adjustments.

An employee may appear before the Personnel Board prior to its action on any request for a merit increase. Any employee denied such an increase may appeal, in writing, to the Personnel Board, which shall confer with the employee, the Department Head and the Board of Selectmen or their designated appointee, or the appropriate Commissioners or Trustees, and shall decide the matter.

b. Regular Part-Time employees shall be eligible for consideration for merit increases within their grade one year from the date of their last increase.

c. Special and other Part-Time personnel for whose positions there is a single rate established in Schedule D shall not be eligible for adjustment.

**SECTION 8. TRANSFERS AND PROMOTIONS**

a. An employee who is promoted to a job with a higher range or rate of pay shall enter it at the rate recommended by the Department Head with the approval of the Personnel Board. The employee may also receive at the time an increase, provided the maximum for the job is not exceeded, if the Department Head recommends that qualifications and performance warrant it and the Personnel Board approves. If the Department Head recommends that there should be a probationary period before the promotional increase [not to exceed the percentage increase voted for that fiscal year], then the Personnel Board may approve such a deferred promotional increase at the conclusion of the probationary period (which shall not exceed six months).

*Annual Town Meeting (continued)*

b. An employee transferred to a job with a lower range or rate of pay shall enter it at the rate paid for the previous position or at the maximum rate for the job, whichever is the lower, provided the Personnel Board approves. The employee shall have a right to appeal this decision, in writing, to the Personnel Board, which shall confer with the employee, the Department Head and the Board of Selectmen or their designated appointee, or the appropriate Commissioners or Trustees, and shall decide the matter.

**SECTION 9. NEW PERSONNEL and MERIT INCREASES**

a. Pre-employment physical examinations will be required of newly-hired employees consistent with the Town's policies.

b. A new employee's hiring rate shall be the minimum of the rate range of the job, unless otherwise authorized by the Personnel Board or Town Administrator [who shall have authorization to set pay rates up to the mid-point]. Department Heads shall notify the Personnel Board of the hiring of all personnel and their hiring rates.

c. The Personnel Board is cognizant of the need to make timely decisions during the recruitment process. Henceforth, the Board agrees to allow the Town Administrator the ability to set a starting salary for new employees with comparable experience from the municipal, state or federal sector, up to and not exceeding the mid-point of the pay scale set forth in Schedule A and B of the Salary Administration Plan.

d. For new hires, the first six months of employment shall be a probationary period at the end of which the employee may receive a merit increase based on the approved annual percentage set by the Personnel Board, provided that the Department Head recommends and the Personnel Board approves. The employee shall thereafter be reviewed for a rate increase one year from the date of the employee's latest increase. This probationary rate increase shall apply only at the start of employment and shall not apply in case of transfer or promotion from one job to another. During any such probationary period, benefit eligible employee(s) nevertheless will earn vacation, sick and personal time in accordance with Section 11(b) hereof.

**SECTION 10. DEPARTMENT BUDGETS**

Each Department Head shall include in the annual departmental budget a pay adjustment section to provide funds for anticipated pay adjustments, with expenditures to be made only in accordance with this Salary Administration Plan and with the approval of the Personnel Board.

**SECTION 11. EMPLOYEE BENEFITS**

Employee benefits are a cost to the Town and a form of "indirect pay" to employees. The benefits listed below are not intended to supersede what State or Federal law may otherwise require.

**All forms of paid leave set forth in the SAP may represent a 40 hour work week; in the event an employee works less than 40 hours per week but more than 20 hours per week, the indicated benefit shall be pro-rated reflective of the approved hours per week for that position.**

a. Holidays with Pay

Each eligible Employee shall receive one day's pay at their regular rate for the following:

New Year's Day	Labor Day
Martin Luther King Day	Columbus Day
Presidents' Day	Veteran's Day
Patriot's Day	Thanksgiving Day
Memorial Day	Day after Thanksgiving Day
Independence Day	Christmas Day
	Day before <u>or</u> after Christmas Day (as set by the Town <b>annually</b> )

***Annual Town Meeting (continued)***

To be eligible for holiday pay, an Employee must work (or be duly excused from working) their regular scheduled days preceding and following the holiday. Employees who do not work 20 hours or more per week on a regular basis shall not be compensated for holidays.

Employees whose regular day off falls on a holiday may have one day off with pay **within the ensuing thirty days** in lieu of holiday pay, with the specific choice of day subject to Department Head approval. **Furthermore, the day granted in lieu of holiday pay shall not cross fiscal years.**

All administrative policies and practices relative to holidays with pay shall be prepared and established under the direction of the Personnel Board.

b. Vacations with Pay

(1) Regular Full-Time Employees who have been in the continuous employ of the Town shall earn paid vacation in accordance with the following schedule:

Years of Employment	Hours Earned per month
0-5	6.666
6-10	10.0
11-15	13.333
16 or more	16.666

Employees hired prior to July 1, 2005, shall be eligible to earn twenty hours per month after serving twenty years of full time employment with the Town.

(2) At the recommendation of the hiring authority and upon the approval of the Personnel Board, new employees entering into a position with the Town of Southborough from a similar position in another municipality or similar government agency will be allowed to enter into the vacation schedule using their years of service from their prior employment, up to a maximum of three weeks' vacation [pro-rated] for the first year of employment with the Town. Employees commencing employment with three weeks per year will be required to complete five years of service before ascending to the next band in the vacation schedule chart.

The probationary period for new hires would still apply.

(3) Vacation shall be granted by Department Heads at their discretion subject to the regular work needs of the Department. An employee shall be permitted to carry over to the following year one year's worth of earned vacation. The employee must have the Department Head's approval to take any portion of a prior year's unused vacation in addition to the days earned in the current fiscal year.

(4) If in the opinion of the Department Head there are unusual work-related circumstances that warrant it, a department head may seek approval from the Town Administrator, to allow the employee to continue to work and receive vacation pay in lieu of taking vacation. Approval granted in this section may not exceed ten days per year.

(5) In the event of termination of employment other than for cause, the employee shall be paid, or be entitled to time off with pay, for any accumulated vacation time.

(6) Vacation administrative policies and practices shall be prepared and established under the direction of the Personnel Board.

*Annual Town Meeting (continued)*

c. Sick Leave

(1) All regular Full-Time Employees shall be entitled to accrue 10 sick hours per month, equaling 120 hours annually (15 sick days); employees working less than 40 hours in a weekly pay period will accrue ratably based on hours worked per week. Pay for each day of sick leave shall be at the regular rate. Absences on account of sickness in excess of that authorized shall be charged to vacation or other available paid leave. Sick leave shall be payable only in cases of genuine illness, non-work connected accident, or work connected accidents not covered by Massachusetts General Laws Chapter 152 (Workers' Compensation).

(2) Unused sick leave may be accumulated without limitation for employees hired before July 1, 2007. Employees of the Town of Southborough hired on or after July 1, 2007 may only accrue 120 sick days at any one time. At retirement only, the Town will pay the employee twenty percent (20%) of the employee's then-accumulated sick leave.

(3) Employees who because of genuine illness or a non-work connected accident are absent for a period of more than three days shall be required to present a doctor's certificate to their Department Head before returning to work stating the reason, the period of time the employee was absent **and whether there are any physical restrictions the employee must adhere to in the workplace.**

(4) **Annually**, an employee may use up to seven of the allowed fifteen days of sick leave for the care of a sick family member.

(5) Sick leave administrative policies and practices shall be prepared and established under the direction of the Personnel Board.

d. Personal Days

Each employee shall be entitled to three personal days per year, to be granted annually on the anniversary of the employee's date of hire. New employees shall be granted three personal days which shall be pro-rated based on hours worked per pay period. Requests for personal days shall be approved by the Department Head. Personal days shall not accumulate from year to year.

e. Military Leave

(1) Reserve Duty: An employee in full-time employment in the military reserve shall be paid the difference between compensation received while on reserve duty and regular compensation rates paid the employee by the Town. Such payment by the Town shall be limited to a period not to exceed two weeks in any twelve-month period.

(2) Active Duty: Pursuant to Article 8 of the April 11, 2005 Annual Town Meeting, an employee in the federal military reserve or a state National Guard who is called to active service shall be entitled to their regular base salary and shall not lose any seniority or paid leave benefits while on military leave; *provided*, however, that such base pay shall be reduced by any amount received from the United States as pay or allowance for military service performed.

f. Jury Duty

Any employee who is called to jury duty shall be paid the difference between their normal compensation and the amount (excluding any travel allowance) received from the court, upon presentation of evidence of the amount paid by the court.

g. Miscellaneous Paid Time Off

Working time lost from regularly scheduled work days for reasons listed below shall be without loss of pay, provided such lost time is authorized by the Department Head:

*Annual Town Meeting (continued)*

(1) Bereavement leave – In the event of the death of a spouse, father, mother, child, father-in-law, mother-in-law, brother, sister, grandparent, or of any other person then residing with the employee, such employee shall be entitled to receive three days' leave for the purpose of the funeral and services of the deceased. If out-of-state travel is required, the Department Head may authorize up to two additional days of travel time.

(2) Medical examination or inoculation required by the Town.

(3) Blood donation authorized by the Department Head.

(4) Attendance at **professional and** educational programs authorized by the Department Head.

h. Court Time Pay

If the Town requires that an employee appear in Court as a witness or in any other capacity arising from the performance of the employee's duty, or on behalf of the Commonwealth or the Town in any civil or criminal case pending in any Court or other official governmental board or agency, then for any such appearance that is made outside of the employee's normal working hours the employee shall be entitled to overtime compensation for every hour or fraction thereof during which they appear (but in no event less than three hours of such overtime pay).

i. Employee Educational Support/Professional Development

(1) Degree Bonus: All Full-Time employees who, while an employee of the Town, earns a degree in a field applicable to their position from an accredited college or university, shall receive a one-time bonus subject to appropriation, according to the following schedule:

Associates Degree....\$ 800.00  
Bachelors Degree...\$1,200.00  
Masters Degree.....\$1,500.00

A copy of the completed transcript, diploma or other appropriate evidence of the completed degree must be presented to the Department Head.

(2) Tuition reimbursement: As administered through the Personnel Board and subject to the procedure below, the Town may provide college tuition reimbursement to any Full-Time employee for a course that applies to the employee's specific position and for which the employee attained a grade of "B" or better.

(3) Approval Procedure: Town funds must first be appropriated by Town Meeting in the Personnel Board's fiscal year budget. If funds are appropriated, then no later than August 31<sup>st</sup> of each year interested employees shall advise the Personnel Board in writing of their interest in taking work-related courses during the fiscal year. The request should be routed through the employee's Department Head, and should include detailed information regarding the desired coursework and cost of tuition. Thereafter the Personnel Board will review all such requests and make recommendations for reimbursement based on available funds and the number of requests. The Board will then notify the employee and their department head of the decision.

(4) Reimbursement: Tuition reimbursed shall be paid only after the employee presents to the Department Head written verification of (a) course completion (with a grade of at least B) and (b) full payment by the employee. If an employee resigns employment within twelve months of such reimbursement, the employee shall be responsible to repay **the amount paid to them by** the Town.

j. Group Medical Insurance

Starting July 1, 2009, the Town will contribute fifty percent (50%) of the cost of a medical indemnity plan or seventy-five percent [75%] of the cost of a Health Maintenance Organization plan.

*Annual Town Meeting (continued)*

SECTION 12. UNPAID LEAVES OF ABSENCE

- a. A leave of absence without compensation may be granted by the Personnel Board.
- b. Leaves of absence of over three months' duration (except Military Leave) shall be deemed a break in employment, and on return to work the employee shall have the status of a new employee unless an extension of leave beyond three months was authorized by the Personnel Board.

SECTION 13. TRANSITIONS BETWEEN FULL-TIME AND PART-TIME STATUS

- a. A Part-Time employee shall be eligible for Full-Time status when the employee has worked 20 hours or more per week for a period of at least three consecutive months, subject to approval by the Department Head.
- b. A Full-Time employee whose hours of employment total less than 20 hours per week for a period of more than three consecutive months shall thereafter be deemed a Part-Time employee.

SECTION 14. APPOINTMENT OF "ACTING" DEPARTMENT HEADS

- a. In the absence **or retirement** of a Department Head for three consecutive weeks, the Board of Selectmen or appropriate board or commission may appoint an "Acting" Department Head to serve for a period of not more than three months. Such three-month period may be extended for up to three additional three-month periods, upon the approval of the Board of Selectmen or other appropriate board or commission for each such extension. In no case shall an appointment of an "Acting" Department Head exceed one year.
- b. Duly appointed "Acting" employees shall be compensated at an additional 10% per week, payable retroactively only upon the conclusion of three consecutive weeks of service by the "Acting" employee. Such employees shall still be eligible for overtime pay when fulfilling regular duties from the previous job beyond normal working hours.

SECTION 15. PERSONNEL BOARD

- a. There shall be a Personnel Board to administer the Salary Administration Plan and Personnel By-Laws. Said Board is to be appointed by the Town Moderator. The Board shall consist of five voters other than employees of the Town or those regularly serving the Town in any elective capacity. They shall serve without compensation.
- b. Other than as may be needed to fill unexpected vacancies, appointments shall be for three years. The Moderator shall fill any vacancies. All members shall continue to hold office until their successors have been appointed and qualified. The Personnel Board may employ assistance and incur expenses as it deems necessary, subject to appropriation of funds thereof.

SECTION 16. DUTIES OF THE PERSONNEL BOARD

- a. The Personnel Board shall administer the Salary Administration Plan and Personnel By-Laws and shall establish such policies, procedures and regulations as it deems necessary for the administration of the Plan.
- b. The Board shall meet annually in July and organize by the choice of a Chair and Clerk. The Board shall meet at least monthly, except for the month of August. A majority of the Board shall constitute a quorum for the transaction of business. The votes of the majority of all the members of the Board shall be necessary on any matter upon which it is authorized to or required to pass under the Salary Administration Plan and Personnel By-Laws.



*Annual Town Meeting (continued)*

c. The Personnel Board shall maintain records of all employees subject to this Plan as it deems desirable, including personnel evaluations. Such records are to be kept by the Assistant Town Administrator, under the direction of the Personnel Board. Department Heads shall furnish such information as requested by the Board.

d. The Personnel Board shall from time to time, but no less often than every federal Election Year, review the Classification Schedule, Salary Schedules, and administration policies of the Salary Administration Plan and Personnel By-Laws. It shall keep informed as to pay rates and policies outside the Town, and shall recommend to the Town any action that the Board deems desirable in that regard. The Personnel Board may tentatively add a new class to the Classification Schedule or reallocate an existing class to a different compensation grade, either higher or lower, subject to the subsequent ratification of its action by formal amendment of the Salary Administration Plan and Personnel By-Laws at the next Annual Town Meeting.

e. Between November and January of each fiscal year, the Personnel Board may vote an annual adjustment (but shall reserve the right to vote no adjustment) to the Classification Schedule and establish the effective rate for employees of each grade for the next fiscal year, subject to the subsequent ratification of its action by formal amendment of the Salary Administration Plan and Personnel By-Laws at the next Annual Town Meeting. The Personnel Board shall base any annual adjustments upon available relevant information.

f. Matters of concern by SAP employees that are communicated in writing to the Chair of the Personnel Board will be scheduled on an agenda at the next available meeting. In addition, notice in writing shall be forwarded to the concerned employee and respective Department Head within seven days of the Board's decision. Notwithstanding the foregoing, if the Personnel Board shall so request and the concerned employee and Department Head shall agree, a reasonable extension of these time periods may be granted.

g. Upon recommendation of a Department Head, supported by evidence in writing of special reasons and exceptional circumstances satisfactory to the Personnel Board, the Board may authorize variances in the Salary Administration Plan and Personnel By-Laws as it may deem necessary for the proper functioning of the services of the Town, and to effectuate the basic intent of the Plan.

**SECTION 17. EMPLOYEES AND THE PERSONNEL BOARD**

a. All employees covered by this Salary Administration Plan shall have the right to request an appointment to confer with the Personnel Board on any matter of interest or concern to them that is covered by the Salary Administration Plan and Personnel By-Laws. The employee shall notify the Department Head in writing in advance of the desire to discuss the matter with the Board. One of the duties of the Board shall be to foster mutual understanding and good will with the personnel of the Town.

b. To facilitate this, if any employee should feel aggrieved by the operation of any provision of the Plan, the employee shall first discuss the matter with the Department Head, in a mutual effort to clear up any problems or misunderstanding.

c. If two weeks after such a conference a satisfactory understanding and solution of the problem has not been reached, then either the Department Head or the employee may take the matter to the Personnel Board, and the Board shall hear the parties not later than at its next regular meeting. There shall be no discrimination or prejudice by a Department Head against any employee who may take a matter to the Board.

***Annual Town Meeting (continued)***

**SECTION 18. AMENDMENT OF THE PLAN**

The Salary Administration Plan and Personnel By-Laws may be amended in the same manner that Town By-Laws may be amended. However, no amendment to the Plan shall be made until it has been presented by a signed petition to, and acted upon by, the Personnel Board. Upon receipt of such a written petition, the Board, after giving the petitioner(s), the Department Head(s) and the affected employee(s) at least two weeks' written notice, shall hold a hearing to consider the proposed amendment. If the Personnel Board approves of any proposed amendment, it shall bring it before the next available Town Meeting for its consideration. If the Personnel Board disapproves any proposed amendment or shall fail to act thereof within fifteen days after the hearing (which failure shall be deemed disapproval), the petitioner(s) may the present the petition to the next available Town Meeting for its consideration. The Board of its own motion, after a similar hearing and/or conference with parties interested, may propose an amendment to the Plan.

**SECTION 19. SEVERABILITY PROVISION**

In the event that any provision of this by-law, or application thereof, shall be held to be invalid by the proper authorities, this shall not be construed to affect the validity of any other provision, or application thereof, of this by-law.

**SECTION 20: CLASSIFICATION SCHEDULE**

**SCHEDULE A: FULL-TIME SALARY GRADED POSITIONS**

	<b>Minimum</b>	<b>Midpoint</b>	<b>Maximum</b>
<b>1</b>	<b>\$35,000</b>	<b>\$40,250</b>	<b>\$45,550</b>
<b>2</b>	<b>\$37,625</b>	<b>\$43,269</b>	<b>\$48,913</b>
<b>3</b>	<b>\$40,447</b>	<b>\$46,514</b>	<b>\$52,581</b>
<b>4</b>	<b>\$45,000</b>	<b>\$52,875</b>	<b>\$60,750</b>
<b>5</b>	<b>\$48,375</b>	<b>\$56,841</b>	<b>\$65,306</b>
<b>6</b>	<b>\$52,003</b>	<b>\$61,104</b>	<b>\$70,204</b>
<b>7</b>	<b>\$62,500</b>	<b>\$75,000</b>	<b>\$87,500</b>
<b>8</b>	<b>\$73,438</b>	<b>\$88,125</b>	<b>\$102,813</b>
<b>9</b>	<b>\$86,289</b>	<b>\$103,547</b>	<b>\$120,805</b>

<b>POSITION TITLE</b>	<b>PAY GRADE</b>
<b>DEPARTMENT HEADS &amp; MANAGEMENT STAFF</b>	
<b>Director of Public Works</b>	<b>9</b>
<b>Finance Director – Treasurer-Collector</b>	
<b>Assistant Town Administrator</b>	<b>8</b>
<b>Director of Facilities</b>	
<b>Library Director</b>	
<b>Building Commissioner</b>	
<b>Director, Youth &amp; Family Services</b>	<b>7</b>
<b>Director, Council on Aging</b>	
<b>Principal Assessor</b>	
<b>Director of Recreation</b>	
<b>Town Accountant</b>	
<b>Town Planner</b>	

*Annual Town Meeting (continued)*

<b>SUPERVISORS &amp; TECHNICAL STAFF</b>	
Assistant Town Clerk	<b>6</b>
Conservation Agent	
Assistant Director, Youth & Family Services	
Outreach Coordinator	
Business Administrator	<b>5</b>
Children's Librarian	
Staff Engineer	
Executive Assistant to the Board of Selectmen	
Program Coordinator	
Principal Department Assistant	<b>4</b>
Maintenance Supervisor	
Assistant Treasurer/Collector	
Assistant Town Accountant	
<b>ADMINISTRATIVE &amp; SUPPORT STAFF</b>	
Administrative Assistant	<b>3</b>
Administrative Assistant II	
Senior Library Assistant	
Communications Officer	<b>2</b>
Library Assistant	
Maintenance Mechanic	
Maintenance Custodian	<b>1</b>

\*Increases in salary rates **exceeding the maximum** will be considered on a case by case by the Personnel Board.

**SCHEDULE B: [RESERVED FOR FUTURE USE]**

**SCHEDULE C: PART-TIME HOURLY GRADED POSITIONS**

Seasonal Laborer .....	1
Electrician.....	2
Seasonal Laborer II.....	2
Summer Program Assistant, Youth Commission.....	2
Election Worker (P.T.) .....	3
Page, Library .....	3
Election Warden (P.T.).....	4
Clerk, Library .....	5
Library Custodian .....	5
Substitute Custodian .....	5
Receptionist .....	8
Secretary, Town Committee .....	8
Interim Public Safety Communications Officer .....	9
Part-Time Police Dispatcher.....	9
Technical Specialist.....	9
Administrative Assistant.....	10
Animal Control Officer.....	11
Business Assistant .....	11
Cable Access Facilitator .....	11
Economic Development Coordinator.....	11

**Annual Town Meeting (continued)**

Reserve Police Officer.....	11
<b>Technical Specialist II .....</b>	<b>11</b>
Tree Warden.....	11
<b>Information Technology Coordinator .....</b>	<b>12</b>
Interim Police Officer (Reserve).....	12
Nurse .....	13
Electrician.....	13
Public Health Director.....	13

Police Lieutenant See Schedule G

\*While serving as an Interim Police Officer (Reserve), an employee will fall under Grade 12. After the interim designation has ended, the employee will revert to the Grade 11 classification.

Hourly Rates for Part-Time Positions

Grade	Minimum	Midpoint	Maximum
1	Min wage*	Midpoint	\$8.33
2	\$8.34	\$10.35	\$12.35
3	\$8.84	\$10.91	\$12.98
4	\$9.26	\$11.52	\$13.78
5	\$9.71	\$12.10	\$14.49
6	\$10.25	\$12.74	\$15.22
7	\$10.73	\$13.34	\$15.95
8	\$11.26	\$14.02	\$16.77
9	\$11.82	\$14.72	\$17.62
10	\$12.54	\$15.60	\$18.66
11	\$13.87	\$19.44	\$25.00
12	\$21.00	\$27.50	\$34.00
13	\$29.00	\$35.00	\$41.00

\*Municipalities are subject to the federal minimum wage law, not the state law.

**SCHEDULE D: FIRE DEPT POSITIONS (not covered by Collective Bargaining Agreement)**

Grade	Proposed Pay Structure	Drills	Boxes	Signal 55
1	Firefighter (Entry Level)	0.00	0.00	0.00
2	Firefighter I Certified	18.00	16.00	16.00
3	Firefighter I/II Certified	19.00	17.00	17.00
4	Firefighter I Certified/Operator	20.00	18.00	18.00
5	Firefighter I/II Certified/Operator	21.00	19.00	19.00
6	EMT (Entry Level)	0.00	0.00	0.00
7	EMT	18.00	16.00	16.00
8	EMT-I	20.00	18.00	18.00
9	Firefighter I Certified/EMT	20.00	18.00	18.00
10	Firefighter I/II Certified/EMT	21.00	19.00	19.00
11	Firefighter I Certified/Operator/EMT	22.00	20.00	20.00
12	Firefighter I/II Certified/Operator/EMT	23.00	21.00	21.00
13	Lieutenant	24.00	22.00	22.00
14	Lieutenant/EMT	26.00	24.00	24.00

### ***Annual Town Meeting (continued)***

Details. On any occasion that the Fire Chief determines that public safety is at risk (fire watches, pyrotechnic displays, pyrotechnic blasting for construction, etc.) and calls for a detail consisting of a Firefighter or Firefighters [not covered by any other collective bargaining agreement] to stand-by during any of these situations to monitor for fire, explosion, or any other possible hazard, the person or persons assigned to the detail will be compensated in the following manner: \$46.00 per hour

#### **SCHEDULE E: MISCELLANEOUS ANNUAL COMPENSATION SCHEDULE**

<b>Cemetery Agent .....</b>	<b>\$8,000</b>
Clerk, Board of Registrars .....	\$1,638.33
<b>Emergency Management Coordinator .....</b>	<b>\$2,000</b>
Registrar of Voters .....	\$205.66
Town Counsel (not including fees).....	\$1,704.33
Tree Warden .....	\$4,000
Veterans' Agent and Director of Veterans' Services .....	\$10,000
Website Administrator.....	\$5,000

#### **SCHEDULE F: FEE BASED COMPENSATION (Recreation Seasonal Personnel)**

Camp Counselor 1 .....	1
Camp Counselor 2 .....	2
Assistant Instructor .....	3
Lifeguard .....	5
Coordinator.....	6
Instructor I.....	6
Monitors .....	6
Program Driver.....	6
Assistant Supervisor .....	9
Supervisor.....	11
Instructor II .....	12
Master Instructor .....	13
Seasonal Nurse .....	13

Classification grade is reflective of "Hourly Rates for Part-Time Positions" in this plan.

#### **SCHEDULE G: SPECIAL ADMINISTRATIVE AND SUPERVISORY POSITIONS**

Effective July 1, 2011, the Police Lieutenant would be classified under Schedule G. In addition to all the benefits provided employees under the SAP, he/she would be eligible for some additional benefits as provided members of Mass COP Local 167, the police union collective bargaining agreement.

As a result, a separate policy is adopted by the Southborough Board of Selectmen and enforced by the Southborough Police Department subject to change in conjunction with future collective bargaining agreements.

Police Lieutenant:

Minimum	Midpoint	Maximum*
62,668	72,992	83,316

\*Increases in salary for long term employees will be considered case by case by the Personnel Board.

*Annual Town Meeting (continued)*

SCHEDULE H: COMMUNICATIONS OFFICERS

The role and responsibilities of Communications Officer(s) for the Town are non-traditional, as staff members are expected to work odd hours, nights, weekends and holidays. They are also expected to wear prescribed clothing, as representatives of the Southborough Police and Fire Departments. The below listed items are allowances made for these requirements:

Shift differential:

Communications Officers are required to work 24/7 shifts. As a result, shift differential are paid hourly to scheduled employees for evening and midnight shifts.

Differential is set at:

4pm – 12am	\$ .50/hour
12am - 8am	\$ .60/hour

Clothing Allowance:

Communications Officers are expected to wear clothing as prescribed by the Police Chief. A clothing allowance of \$350 per year, paid through reimbursement as receipts are provided, will be allowable.

LONGEVITY SCHEDULE: Full-Time Employees of Town of Southborough – Compensated annually at Anniversary Date

After 5 years.....	\$400
After 10 years.....	\$600
After 15 years.....	\$700
After 20 years.....	\$850
After 25 years.....	\$1,000
After 30 years.....	\$1,200
After 40 years.....	\$1,500

, or do or act anything in relation thereto.

Proposed by: PERSONNEL BOARD

Board of Selectmen **Recommendation:** At Town Meeting

Advisory Committee Recommendation: At Town Meeting

Summary: *The Personnel By-Law governs policies and pay structures for non-union employees. The changes are noted in **bold**.*

**MOTION MADE:** That the Town vote to approve changes to the Personnel Salary Administration Plan, as specified in Chapter 31 of the Code of the Town of Southborough, entitled: PERSONNEL, and insert in its place the changes as printed in the warrant. Changes are noted in **BOLD** in the warrant.

**AMENDMENT MADE:** That the Town vote to amend the title "Program Coordinator" listed as Grade 5 in Section 20 be modified to be classified in Grade 6 of said Section 20.

**AMENDMENT PASSED UNANIMOUSLY.**

**MOTION TO MOVE THE QUESTION PASSED UNANIMOUSLY.**

**MAIN MOTION WITH AMENDMENT PASSED BY MAJORITY VOTE.**

**Annual Town Meeting (continued)**

**ARTICLE 6:** To see if the Town will vote to appropriate a sum of money to various accounts as part of the implementation of the Pay and Classification Study, or do or act anything in relation thereto.

Proposed by: PERSONNEL BOARD

Board of Selectmen Recommendation: At Town Meeting

Advisory Committee Recommendation: At Town Meeting

Summary: *As a result of the FY15 Pay and Classification Study, nine positions were below the recommended minimum pay range for their position. This funding brings these positions to the minimum range of pay as approved by the Personnel Board.*

**MOTION MADE:** That the Town vote to raise the sum of \$39,338 to fund the implementation of the Pay and Classification Plan as recommended by the Personnel Board, specifically to bring the identified positions into their new grade classifications at the minimum level.

<u>DEPT</u>	<u>Titles</u>	<u>NEW</u>	<u>Total Est.</u>	<u>FY16</u>	<u>Difference</u>	<u>Account for</u>
		<u>RANGE</u>	<u>Employee</u>	<u>Amount</u>	<u>Required to</u>	
		<u>MIN</u>	<u>Earnings</u>	<u>Budgeted</u>	<u>Appropriate</u>	<u>Appropriation:</u>
Assessor	ADMIN 2	45,000	46,350	41,070	2,112	0100-5-141-000-51100
Board Of Health	ADMIN 2	45,000	46,350	41,070	3,168	0100-5-512-000-51100
Building Dept	ADMIN 2	40,447	38,048	36,739	1,309	0100-5-241-000-51100
Council on Aging	Program Coord	52,003	43,060	37,763	5,297	0100-5-541-000-51100
DPW	Staff Engineer	48,375	48,975	48,258	717	0100-5-400-421-51100
Facilities	Facilities Director	73,438	75,641	74,791	850	0100-5-192-000-51100
Library	Library Director	73,438	74,838	64,219	10,619	0100-5-610-000-51100
Recreation	Program Coord	52,003	52,617	46,976	5,641	0100-5-630-000-51100
Treasurer	Prin Dept Assist.	45,000	45,452	39,310	6,142	0100-5-145-000-51100
Youth/Family	Assist. Director Y/F	52,003	52,448	48,965	3,483	0100-5-542-000-51100
Total for Article					<b>39,338</b>	

**MOTION PASSED BY MAJORITY VOTE.**

**ARTICLE 7:** To see if the Town will transfer from "FY15 Department 910 Employee Benefits" the amount of \$115,000 for the purpose of funding a Health Reimbursement Account, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN

Board of Selectmen Recommendation: Support

Advisory Committee Recommendation: Support

Summary: *This article transfers the estimated balance of money appropriated in FY15 for an employee health reimbursement account (HRA) as agreed with Town employees during benefit negotiations. The original amount of funding was derived from health insurance savings. This would allow the Town to avoid appropriating the balance each year.*

**MOTION MADE:** That the Town vote to transfer from "FY15 Department 910 Employee Benefits" the amount of \$115,000 for the purpose of funding a Health Reimbursement Account.

**MOTION PASSED UNANIMOUSLY.**

**Annual Town Meeting (continued)**

**ARTICLE 8:** To see if the Town will vote to transfer the sum of \$94,238 between and among various accounts for the fiscal year ending June 30, 2015, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN

Board of Selectmen Recommendation: Support

Advisory Committee Recommendation: Support

Summary: *This article is intended to address any unexpected or unusual funding needs for the current fiscal year via transfers between accounts. The above amount encompasses the following transfers:*

FROM:	TO:	AMOUNT:
Benefits – Health Ins. 0100-5-910-000-51720	In Lieu Vacation/Sick 0100-6-910-570-51771	\$35,920

*A number of retirements that were not anticipated have occurred over the past year, which depleted the article reserved for this purpose, and have left it in deficit.*

Benefits – Health Ins. 0100-5-910-000-51720	Liability Insurance 0100-5-945-000-57400	\$ 1,480
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*The annual liability insurance premium was slightly higher than anticipated.*

Benefits – Health Ins. 0100-5-910-000-51720	DPW Salary 0100-5-400-421-51100	\$54,198
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*This funds the Cemetery position that was reduced last year in anticipation of a reorganization, but was restored in full for July 1, 2014.*

Benefits – Health Ins. 0100-5-910-000-51720	Inspectional Services 2269-4-242-437-43990	\$ 2,640
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*The State performed the required annual certifications of all weights and measuring devices, the cost of which was partially recovered from billing the businesses for the service rendered.*

**MOTION MADE:** That the Town transfer the sum of \$94,238 between and among various accounts for the fiscal year ending June 30, 2015, as follows:

FROM:	TO:	AMOUNT:
Benefits – Health Ins. 0100-5-910-000-51720	In Lieu Vacation/Sick 0100-6-910-570-51771	\$35,920

Benefits – Health Ins. 0100-5-910-000-51720	Liability Insurance 0100-5-945-000-57400	\$ 1,480
--	---	----------

Benefits – Health Ins. 0100-5-910-000-51720	DPW Salary 0100-5-400-421-51100	\$54,198
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Benefits – Health Ins. 0100-5-910-000-51720	Inspectional Services 2269-4-242-437-43990	\$ 2,640
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**MOTION PASSED BY MAJORITY VOTE.**

**Presentation made by Mark J. Purple, Town Administrator**

**ARTICLE 9:** To see if the Town will vote to raise a sum of money as may be necessary for the Town's use for Fiscal Year 2016, and make appropriations of the same, or do or act anything in relation thereto.

**SEE BUDGETS ON THE FOLLOWING PAGES**



***Annual Town Meeting (continued)***

Proposed by: BOARD OF SELECTMEN

Summary: *See budget report including Advisory Committee and Board of Selectmen's FY16 recommendations.*

**MOTION MADE:** To divide the question.

**MOTION PASSED UNANIMOUSLY.**

**MOTION MADE:** To take an umbrella vote on those budgets that do not have a hold on them. This one vote will have the effect of voting each separately.

**MOTION PASSED UNANIMOUSLY.**

**MOTION MADE:** To pass all budgets that do not have a hold on them.

**MOTION PASSED UNANIMOUSLY.**

<b><i>Budget Name</i></b>	<b><i>FY 2016 Request</i></b>
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**General Government**

**110-119 LEGISLATIVE**

**114 MODERATOR**

51000-51990 Personal Services	50
52000-58990 Other Charges and Expenses	25
<b>TOTAL</b>	<b>75</b>

**121-129 EXECUTIVE**

**121 ELECTED BOARD OF SELECTMEN**

51000-51990 Personal Services	4,000
<b>TOTAL</b>	<b>4,000</b>

**122 BOARD OF SELECTMEN**

51000-51990 Personal Services	319,606
52000-58990 Other Charges and Expenses	58,694
<b>TOTAL</b>	<b>378,300</b>

**131-149 FINANCIAL ADMINISTRATION**

**131 ADVISORY COMMITTEE**

52000-58990 Other Charges and Expenses	306
<b>TOTAL</b>	<b>306</b>

**132 RESERVE FUND**

52000-58990 Other Charges and Expenses	150,000
<b>TOTAL</b>	<b>150,000</b>

**135 TOWN ACCOUNTANT**

51000-51990 Personal Services	136,066
52000-58990 Other Charges and Expenses	2,705
<b>TOTAL</b>	<b>138,771</b>

*Annual Town Meeting (continued)*

**Budget Name**

**FY 2016 Request**

**General Government, continued**

**131-149 FINANCIAL ADMINISTRATION**

**136 AUDIT**

52000-58990 Purchase of Services 30,850

**TOTAL 30,850**

**140 ELECTED BOARD OF ASSESSORS**

51000-51990 Personal Services 2,250

**TOTAL 2,250**

**141 ASSESSORS**

51000-51990 Personal Services 156,948

52000-58990 Other Charges and Expenses 28,660

**TOTAL 185,608**

**145 TREASURER/COLLECTOR**

51000-51990 Personal Services 183,063

52000-58990 Other Charges and Expenses 10,102

**TOTAL 193,165**

**151-159 OPERATIONS SUPPORT**

**151 LEGAL**

52000-58990 Other Charges and Expenses 95,000

**TOTAL 95,000**

**152 PERSONNEL BOARD**

51000-51990 Personal Services 5,000

52000-58990 Other Charges and Expenses 10,620

**TOTAL 15,620**

**153 SPECIAL LEGAL COUNSEL**

52000-58990 Other Charges and Expenses 55,000

**TOTAL 55,000**

**155 MANAGEMENT INFORMATION SYSTEMS**

51000-51990 Personal Services 5,000

52000-58990 Other Charges and Expenses 203,840

**TOTAL 208,840**

**159 OTHER OPERATION SUPPORT**

52000-58990 Other Charges and Expenses 332,286

**TOTAL 332,286**

**160-169 LICENSING AND REGISTRATION**

**160 ELECTED TOWN CLERK**

51000-51990 Personal Services 49,298

**TOTAL 49,298**

*Annual Town Meeting (continued)*

**Budget Name**

**FY 2016 Request**

**General Government, continued**

**160-169 LICENSING AND REGISTRATION**

**161 TOWN CLERK**

51000-51990 Personal Services	55,551
52000-58990 Other Charges and Expenses	5,800
<b>TOTAL</b>	<b>61,351</b>

**162 ELECTIONS AND REGISTRATION**

51000-51990 Personal Services	56,483
52000-58990 Other Charges and Expenses	17,975
<b>TOTAL</b>	<b>74,458</b>

**171-179 LAND USE**

**171 CONSERVATION COMMISSION**

51000-51990 Personal Services	42,202
52000-58990 Other Charges and Expenses	6,410
<b>TOTAL</b>	<b>48,612</b>

**175 PLANNING BOARD**

51000-51990 Personal Services	131,285
52000-58990 Other Charges and Expenses	13,480
<b>TOTAL</b>	<b>144,765</b>

**BUDGET PASSED BY MAJORITY VOTE.**

**176 ZONING BOARD OF APPEALS**

51000-51990 Personal Services	9,209
52000-58990 Other Charges and Expenses	3,050
<b>TOTAL</b>	<b>12,259</b>

**177 OPEN SPACE**

52000-58990 Other Charges and Expenses	1,000
<b>TOTAL</b>	<b>1,000</b>

*Note: Advisory Committee supports commission request of \$1,000.*

**AMENDMENT MADE:** That the Town vote to reduce the Open Space budget to \$250.00

**AMENDMENT WITHDRAWN.**

**MAIN MOTION PASSED UNANIMOUSLY.**

**182 ECONOMIC DEVELOPMENT COMMITTEE**

51000-51990 Personal Services	23,400
52000-58990 Other Charges and Expenses	18,400
<b>TOTAL REQUESTED</b>	<b>41,800</b>
<b>TOTAL</b>	<b>35,975</b>

**AMENDMENT MADE:** That the Town vote to reduce the Economic Development Committee budget to \$35,975.

**Presentation made by David K. McCay, Economic Development Chairman.**

**MOTION TO MOVE THE QUESTION PASSED BY MAJORITY VOTE.**

**AMENDMENT TO THE MAIN MOTION PASSED BY MAJORITY VOTE.**

*Annual Town Meeting (continued)*

**Budget Name**

**FY 2016 Request**

**General Government, continued**

**191-199 OTHER**

**192 PUBLIC BUILDINGS AND PROPERTIES MAINTENANCE**

51000-51990 Personal Services 311,247

52000-58990 Other Charges and Expenses 132,880

**TOTAL 444,127**

**BUDGET PASSED UNANIMOUSLY.**

**Public Safety**

**210 POLICE DEPARTMENT**

51000-51990 Personal Services 1,643,663

52000-58990 Other Charges and Expenses 121,277

**TOTAL 1,764,940**

**220 FIRE DEPARTMENT**

51000-51990 Personal Services 1,765,850

52000-58990 Other Charges and Expenses 176,904

**TOTAL 1,942,754**

**241 BUILDING DEPARTMENT**

51000-51990 Personal Services 104,403

52000-58990 Other Charges and Expenses 5,650

**TOTAL 110,053**

**291 CIVIL DEFENSE**

51000-51990 Personal Services 2,926

52000-58990 Other Charges and Expenses 6,464

**TOTAL 9,390**

**292 ANIMAL CONTROL OFFICER AND ANIMAL INSPECTOR**

52000-58990 Other Charges and Expenses 28,763

**TOTAL 28,763**

**Public Works & Facilities**

**400, 420 DEPT. OF PUBLIC WORKS (Highway, Cemetery, Tree)**

51000-51990 Personal Services 846,937

52000-58990 Other Charges and Expenses 1,155,875

**TOTAL 2,002,812**

**450 DEPT. OF PUBLIC WORKS – WATER**

51000-51990 Personal Services 348,638

52000-58990 Other Charges and Expenses 1,097,150

**TOTAL 1,445,788**

*Annual Town Meeting (continued)*

**Budget Name**

**FY 2016 Request**

**Human Services**

**510 ELECTED BOARD OF HEALTH**

51000-51990 Personal Services	450
<b>TOTAL</b>	<b>450</b>

**512 BOARD OF HEALTH**

51000-51990 Personal Services	97,574
52000-58990 Other Charges and Expenses	47,122
<b>TOTAL</b>	<b>144,696</b>

**541 COUNCIL ON AGING**

51000-51990 Personal Services	216,216
52000-58990 Other Charges and Expenses	59,625
<b>TOTAL</b>	<b>275,841</b>

**542 YOUTH COMMISSION**

51000-51990 Personal Services	135,756
52000-58990 Other Charges and Expenses	10,750
<b>TOTAL</b>	<b>146,506</b>

**543 VETERANS' SERVICES**

51000-51990 Personal Services	10,000
52000-58990 Other Charges and Expenses	41,025
<b>TOTAL</b>	<b>51,025</b>

**Culture & Recreation**

**610 LIBRARY**

51000-51990 Personal Services	341,689
52000-58990 Other Charges and Expenses	98,578
<b>TOTAL</b>	<b>440,267</b>

**630 RECREATION COMMISSION**

51000-51990 Personal Services	114,420
52000-58990 Other Charges and Expenses	9,900
<b>TOTAL REQUESTED</b>	<b>124,320</b>
<b>TOTAL</b>	<b>114,420</b>

**AMENDMENT MADE:** That the Town vote to reduce the Recreation Commission budget to a total of \$114,420,

**AMENDMENT PASSED UNANIMOUSLY.**

**691 HISTORICAL COMMISSION**

52000-58990 Other Charges and Expenses	990
<b>TOTAL</b>	<b>990</b>

**692 MEMORIAL DAY**

52000-58990 Other Charges and Expenses	2,800
<b>TOTAL</b>	<b>2,800</b>

*Annual Town Meeting (continued)*

**Budget Name**

**FY 2016 Request**

**Debt Service**

**DEBT PRINCIPAL AND DEBT INTEREST**

0100-710-59100 Principal General Fund	2,843,106
6161-710-59100 Principal Water Fund	115,000
0100-751-59150 Interest General Fund	487,804
6161-751-59150 Interest Water Fund	46,258
<b>TOTAL</b>	<b>3,492,168</b>

**Unclassified**

**910 EMPLOYEE BENEFITS**

51700 Police/Fire Accident and Workers' Comp	183,726
51710 Unemployment Payments	35,000
51720 Health Insurance	3,886,322
51730 Retirement Fund	1,413,574
51740 Life Insurance	5,072
51750 Flexible Spending Account	6,685
51770 Medicare	306,524
51780 Dental Insurance	185,305
51785 Medicare B Penalty	16,000
59660 Transfer to OPEB Trust	250,000
<b>TOTAL</b>	<b>6,288,208</b>

**930 BUDGET CAPITAL**

52000-58990 Other Charges and Expenses	487,864
<b>TOTAL</b>	<b>487,864</b>

**941 LEGAL SETTLEMENT REGIONAL**

57600 Court Judgments	220,000
<b>TOTAL</b>	<b>220,000</b>

**945 LIABILITY INSURANCE**

52000-58990 Other Charges and Expenses	225,117
<b>TOTAL</b>	<b>225,117</b>

**Education**

**ELECTED SCHOOL COMMITTEE**

51000-51990 Personal Services	500
<b>TOTAL</b>	<b>500</b>

**301 SOUTHBOROUGH SCHOOLS**

**REGULAR DAY PROGRAMS**

Administration	544,759
Instruction	10,048,391
Other Student Services	791,886
Operation and Maintenance of Buildings	1,671,349
Fixed Charges	4,100
<b>TOTAL</b>	<b>13,060,485</b>

Annual Town Meeting (continued)

Budget Name	FY 2016 Request
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**Education, continued**

**SPECIAL EDUCATIONS PROGRAMS – CHAPTER 766**

Instruction	4,144,259
Other Student Services	507,000
Operation and Maintenance of Equipment	9,000
Programs, Other Systems in Massachusetts	949,506
Programs, Member of Collaborative	238,750
<b>TOTAL</b>	<b>5,848,515</b>

**TOTAL OPERATING BUDGET 18,909,000**

**302 ALGONQUIN REGIONAL HIGH SCHOOL**

**REGULAR DAY PROGRAMS**

Administration	597,817
Instruction	10,092,921
Other Student Services	1,822,584
Operation and Maintenance of Buildings	1,812,514
Fixed Charges	3,286,523
New Equipment	121,610
Tuition, Other Public Schools	290,000
<b>TOTAL</b>	<b>18,023,969</b>

**SPECIAL EDUCATION PROGRAMS – CHAPTER 766**

Instruction	1,952,885
Other Student Services	18,400
Operation and Maintenance of Buildings	2,000
Programs, Other Systems in Massachusetts	650,848
Programs, Member of Collaborative	49,258
<b>TOTAL</b>	<b>2,673,391</b>

**TOTAL OPERATING BUDGET 20,697,360**

	NON		
	EXEMPT	EXEMPT	TOTAL
<b>FY 2016 SOUTHBOROUGH ASSESSMENT</b>	<b>7,064,784</b>	<b>479,701</b>	<b>7,544,485</b>

**304 ASSABET VALLEY REGIONAL VOCATIONAL SCHOOL**

Southboro Operating Assessment	203,716
Renovation Project – Capital Assessment	3,967
<b>SOUTHBORO ASSESSMENT</b>	<b>207,683</b>

**305 NORFOLK COUNTY AGRICULTURAL HIGH SCHOOL**

Tuition/Transportation Assessment	43,600
<b>TOTAL</b>	<b>43,600</b>

That the Town vote to raise a sum of money not to exceed the sum of **\$48,562,036** as may be necessary for the Town's use, and make appropriations of the same.

Transfer from the Cemetery Perpetual care	15,000
Transfer from Free Cash	1,592,138
Transfer from Overlay Reserve	296,246
Transfer from Ambulance Fund, Receipts Reserved (Fund 23)	209,000
Transfer from Aerial Ladder Donation Fund	32,000

***Annual Town Meeting (continued)***

Transfer from Septic Betterment Fund	62,888
Transfer from Premium Reserve	136
Transfer from Reserve SBAB Fund Balance	15,737
Transfer from Water Reserve	65,000

AND that the Balance of **\$46,273,891** be raised and appropriated.

**MAIN MOTION PASSED BY MAJORITY VOTE.**

**ARTICLE 10:** To see if the Town will vote to raise and appropriate, or transfer from available funds a sum of money for General Government capital items for the following purposes:

	DESCRIPTION	REQUEST	LEVY	WATER AND OTHER FUNDS
A.	DVR Police Department Surveillance	\$3,300	\$3,300	
B.	DPW Large Truck and equipment bodywork	\$10,000	\$10,000	
C.	DPW Road Maintenance	\$250,000	\$250,000	
D.	Facilities New Roof Engineering for Fire Department	\$20,000	\$20,000	
E.	Town Hall Offices Document Scanning Software	\$8,350	\$8,350	
F.	DPW Utility Service Diesel	\$54,000		\$54,000
G.	DPW Hosmer Pump Station Roof	\$30,000		\$30,000

, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN

Board of Selectmen Recommendation: Support Items A-G.

Advisory Committee Recommendation: Support Items A-G.

Summary:

*A. The new DVR will replace the current model which is over three years old and holds approximately two weeks of memory. The new model with 9 TB will hold approximately nine months of data.*

*B. This funding allows for miscellaneous work on the DPW fleet of large trucks. Work includes paint repair, stripping of vehicle paint, and other work normally associated with repairs to the vehicle exterior due to operational wear and tear.*

*C. This is the annual request for road maintenance in conjunction with Chapter 90 funding. The amount is slightly less than in past years, as we received more Chapter 90 money in FY15 than anticipated.*

*D. This article will provide the funds needed to hire engineering services for the design phase of a new roof at the Fire Station.*

*E. Scanning software for the Accounting, Treasurer, Assessor, Conservation, and other Departments as possible. Utilizes current technology that will replace the obsolete software. Will allow for searchable databases of documents with ability to e-mail and share cross Department where appropriate.*

*F. This is replacing a utility service truck in the Water Division. The existing truck will be repurposed to the Grounds Division.*

*G. This money is to replace the original flat roof at the Hosmer Station.*

**MOTION MADE:** That the Town vote to raise and appropriate:

\$3,300 for Police Department DVR surveillance equipment;  
\$10,000 for Public Works large truck and equipment body work;  
\$250,000 for maintenance of Town roads;  
\$20,000 for new roof engineering for the Fire Department;  
\$8,350 for Town Hall Offices document scanning software;

And to transfer from Receipts Reserve Water Fund:

\$54,000 for a utility service diesel for the Water Department;

And \$30,000 for the Hosmer Pump Station roof.



*Annual Town Meeting (continued)*

**MOTION PASSED BY MAJORITY VOTE.**

#	ITEM	TOTAL	Recommend	Recommend
			ADVISORY	SELECTMEN
A.	Police Dept. – DVR Surveillance	\$3,300	Recommend	Recommend
B.	Large truck body work – DPW	\$10,000	Recommend	Recommend
C.	DPW roads	\$250,000	Recommend	Recommend
D.	Fire – Engineering for new roof	\$20,000	Recommend	Recommend
E.	Town Hall Doc Scanning	\$8,350	Recommend	Recommend
F.	Utility Service Diesel – Water	\$54,000	Recommend	Recommend
G.	Hosmer Pump Station – Water	\$30,000	Recommend	Recommend

**ARTICLE 11:** To see if the Town will vote to borrow a sum of money for General Government capital items for the following purposes:

	DESCRIPTION	REQUEST	LEVY	WATER AND OTHER FUNDS
A.	Fire Department Replacement of Engine 23	\$550,000		\$550,000

, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN

Board of Selectmen Recommendation: Support

Advisory Committee Recommendation: Support

Summary:

A. *The Fire Department is looking to replace a 2000 Pumper Truck as outlined in the Capital plan. The vehicle being replaced currently serves a dual purpose as 1) a pumper truck for structural firefighting and 2) as a rescue truck which carries the Jaws of Life extrication tools and other specialized rescue equipment.*

**MOTION MADE:** That the Town vote to raise by borrowing:

- \$550,000 for Fire Department replacement of Engine 23, which shall be repaid, in the first instance, by the Ambulance Fund, although any borrowing for this project shall, nevertheless, constitute a pledge of the Town's full faith and credit in accordance with the Massachusetts General Law.

#	ITEM	TOTAL	Recommend ADVISORY	Recommend SELECTMEN
A.	Fire replacement of Engine 23	\$550,000	Recommend	Recommend

Requires a 2/3 vote.

**MOTION PASSED UNANIMOUSLY.**

**ARTICLE 12:** To see if the Town will vote to raise and appropriate or transfer from available funds and appropriate, the sum of \$89,038 to be deposited in the Stabilization Fund to be held and administered in accordance with the provisions of Massachusetts General Laws, Chapter 40, Section 5B, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN

Board of Selectmen Recommendation: Support

Advisory Committee Recommendation: Support

**Annual Town Meeting (continued)**

*Summary: The article identifies the level of capital funding that would be needed to equate to the average 10-year capital funding schedule (for FY16 this period is from FY06 thru FY15). The purpose is to have a level capital funding policy where funding flows to or from the stabilization fund based on tax levy capital needs. This will avoid and/or mitigate fluctuations in the demand for tax levy requested capital funding for the Town, per the Town's Capital Plan. Throughout the past 10 years, there have been several years (FY2007, 2010-12) during which stabilization funds have been utilized to fund capital requests, thereby reflecting a past practice use of this model.*

	<u>Capital</u>	<u>Gen. Fund</u>	<u>Stab. Fund</u>
FY06	\$767,198	\$767,198	
FY07	\$930,589	\$865,589	\$65,000
FY08	\$914,012	\$914,012	
FY09	\$666,333	\$666,333	
FY10	\$1,424,308	\$992,913	\$431,395
FY11	\$484,152	\$350,422	\$133,730
FY12	\$592,000	\$492,000	\$100,000
FY13	\$766,000	\$766,000	
FY14	\$1,179,728	\$1,179,728	
FY15	\$871,200	\$871,200	
<b>10YR Avg.</b>	<b>\$859,552</b>		
<b>FY16 Proposed</b>	<b>\$770,514</b>	<b>\$770,514</b>	

**MOTION MADE:** That the Town vote to transfer the amount of \$89,038 into the Stabilization Fund, to be designated for future capital expenditures according to the Town's Capital Plan.

Requires a 2/3 vote.

**MOTION PASSED UNANIMOUSLY.**

**ARTICLE 13:** To see if the Town will vote pursuant to Massachusetts General Laws, Chapter 44 § 53E ½ to authorize and/or reauthorize the use of a revolving fund for the following purposes:

1. Immunization/emergency dispensing clinic and any declared emergency for the Board of Health to a maximum of \$12,000.
2. Inspection services for the Sealer of Weights and Measures, Plumbing Inspector and Wiring Inspector for receipts to a maximum of \$100,000.
3. Department of Public Works for 9-11 Field Maintenance and usage and DCR annual fee to a maximum of \$50,000.
4. Local Wetland Filing fees for Conservation Commission departmental and consultant costs for review, issuance and monitoring of projects to a maximum of \$30,000.
5. Public Safety and Public Works departments for responding to incidents involving hazardous material to a maximum of \$75,000.
6. CPR classes by the Fire Department for the cost of running CPR classes to a maximum of \$6,500.
7. Conservation Commission for the cost of running the community garden to a maximum of \$1,500.
8. Recreation Commission for a portion of recreation program costs to a maximum of \$342,094.
9. Tobacco Control Program to allow the Board of Health to conduct periodic compliance checks with vendors to a maximum of \$4,000.
10. Technology fee from permits for the annual costs of municipal licensing/permitting software to a maximum of \$40,000.

, or do or act anything in relation thereto.

***Annual Town Meeting (continued)***

Proposed by: BOARD OF HEALTH, BOARD OF SELECTMEN, RECREATION COMMISSION, AND CONSERVATION COMMISSION

Board of Selectmen Recommendation: Support

Advisory Committee Recommendation: Support

Summary: *This article which provides for revolving funds must be approved annually and will cover the costs of the programs as described above. There are no new revolving funds being proposed for FY16.*

**MOTION MADE:** That the Town vote, pursuant to Massachusetts General Laws, Chapter 44 § 53E ½, to authorize and/or re-authorize the use of a revolving fund for the following purposes:

1. Immunization/emergency dispensing clinic and any declared emergency for the Board of Health to a maximum of \$12,000.
2. Inspection services for the Sealer of Weights and Measures, Plumbing Inspector and Wiring Inspector for receipts to a maximum of \$100,000.
3. Department of Public Works for 9-11 Field Maintenance and usage and DCR annual fee to a maximum of \$50,000.
4. Local Wetland Filing fees for Conservation Commission departmental and consultant costs for review, issuance and monitoring of projects to a maximum of \$30,000.
5. Public Safety and Public Works departments for responding to incidents involving hazardous material to a maximum of \$75,000.
6. CPR classes by the Fire Department for the cost of running CPR classes to a maximum of \$6,500.
7. Conservation Commission for the cost of running the community garden to a maximum of \$1,500.
8. Recreation Commission for a portion of recreation program costs to a maximum of \$342,094.
9. Tobacco Control Program to allow the Board of Health to conduct periodic compliance checks with vendors to a maximum of \$4,000.
10. Technology fee from permits for the annual costs of municipal licensing/permitting software to a maximum of \$40,000.

**MOTION PASSED UNANIMOUSLY.**

**ARTICLE 14:** To see if the Town will vote to raise and appropriate, borrow and appropriate or transfer from available funds the sum of \$80,000 for the ongoing maintenance of capital equipment and systems associated with town buildings and facilities. The Town Facilities Manager shall recommend appropriate projects to the Town Administrator. The Town Administrator shall approve all expenditures under this article. The Town Facilities Manager shall report all funded projects to the Capital Budget and Advisory Committees as requested, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN

Board of Selectmen Recommendation: Support

Advisory Committee Recommendation: Support

Summary: *This article will provide for the maintenance and repair of capital equipment and systems associated with the Town's buildings and facilities.*

**MOTION MADE:** That the Town vote to raise and appropriate \$80,000 for the ongoing maintenance of capital equipment and systems associated with town buildings and facilities. The Town Facilities Manager shall recommend appropriate projects to the Town Administrator. The Town Administrator shall approve all expenditures under this article. The Town Facilities Manager shall report all funded projects to the Capital Budget Planning and Advisory Committees.

**MOTION PASSED UNANIMOUSLY.**

***Annual Town Meeting (continued)***

**ARTICLE 15:** To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$50,000 for the purpose of hiring consultants, engineers, water quality specialists, and/or environmental consultants by various Town departments, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN

Board of Selectmen Recommendation: Support

Advisory Committee Recommendation: Support

Summary: *This article allows town departments, with the approval of the Board of Selectmen, to hire outside expertise when the need arises. The 2008 article voted for the same purpose has been depleted.*

**MOTION MADE:** That the Town vote to raise and appropriate the sum of \$50,000 for the purpose of hiring consultants, engineers, water quality specialists, and/or environmental consultants by various Town departments, with the approval of the Board of Selectmen.

**MOTION PASSED UNANIMOUSLY.**

**ARTICLE 16:** To see if the Town will vote to raise and appropriate or transfer from any available funds the sum of \$47,842 for the purpose of paying to retirees the amount due for accrued vacation and sick time, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN

Board of Selectmen Recommendation: Support

Advisory Committee Recommendation: Support

Summary: *This article will fund any vacation and sick pay due to employees upon their retirement.*

**MOTION MADE:** That the Town vote to raise and appropriate the sum of \$47,842 for the purpose of paying to retirees the amount due for accrued vacation and sick time.

**MOTION PASSED UNANIMOUSLY.**

**MOTION MADE:** To advance Article 34.

**MOTION PASSED BY MAJORITY VOTE.**

**ARTICLE 34:** To see if the Town of Southborough will vote to enact a bylaw the text of which is substantially as follows 'All public information, defined as information that is non-exempt under the Massachusetts Public Records Law or is public pursuant to the Massachusetts Open Meeting law, that is sent in written form to, from, or between, members of Town Committees or Boards shall be promptly be made available to the public via the Internet, by creating an electronic online copy or similar means. It shall be made available in such manner as to permit indexing by, and public searching via, Internet search providers and any other means convenient to the public as the Town may choose to provide. Such online information shall be deleted not sooner than three years after the original information has been deleted or destroyed. "Promptly" as used in this bylaw shall mean not later than the amount of time after which such information would be otherwise copied for backup purposes, or 7 days, whichever is less. The requirements of this bylaw shall be effective July 1, 2016 and are subject to appropriation by Town Meetings.' And, to see if the Town will appropriate a sum of money for the purpose of planning and commencing implementation of systems for automated compliance with this bylaw, or do or act anything in relation thereto.

Proposed by: JOHN B. BUTLER, JR.

Board of Selectmen Recommendation: Not support

Advisory Committee Recommendation: At Town Meeting

Summary: *This article was submitted as a citizen's petition.*

***Annual Town Meeting (continued)***

**MOTION MADE:** That the Town vote to enact as Chapter 3 Section 12 of the Town bylaw the following: "All public information, defined as information that is non-exempt under the Massachusetts Public Records Law or is public pursuant to the Massachusetts Open Meeting law, that is sent in written form to, from, or between, members of Town Committees or Boards shall be promptly made available to the public via the Internet, by creating an electronic online copy or similar means. It shall be available in such manner as to permit indexing by, and public searching via, Internet search providers and any other means convenient to the public as the Town may choose to provide. Such online information may be deleted not sooner than three years after the original information has been deleted or destroyed. "Promptly" as used in this bylaw shall mean not later than the amount of time after which such information would be otherwise copied for backup purposes, or 7 days, whichever is less. The requirements of this bylaw shall be effective July 1, 2016 and are subject to appropriation by Town Meeting." and that that the Town raise and appropriate the sum of \$2500 for the purpose of planning and commencing implementation of systems for automated compliance with this bylaw."

**MOTION MADE TO MOVE THE QUESTION PASSED BY MAJOITY VOTE.**

**MAIN MOTION DEFEATED.**

At 11:02PM a motion was made to adjourn the Annual Town Meeting until Tuesday, April 14, 2015 at 7:30PM.

**MOTION PASSED UNANIMOUSLY.**

True Copy

Attest:

\_\_\_\_\_  
Michelle A. Jenkins, Temporary Town Clerk

***Annual Town Meeting  
Adjourned Session  
April 14, 2015***

**A**t the Adjourned Annual Town Meeting duly called and held in the P. Brent Trottier Middle School, Southborough, on Tuesday, April 14, 2015 at 7:30PM the following ARTICLES were voted on in a legal manner. There was a quorum present (100 Voters = quorum); 169 voters were present.

Checkers:	Alice B. Gaffney	Sally Watters
	Linda C. Hubley	Karen A. White
	Delia A. Mulvaney	Jean Wood

The following Tellers were appointed by Moderator David A. Coombs and sworn-in by Temporary Town Clerk, Michelle A. Jenkins:

Tellers:	Susan G. Baust	28 Latisquama Road
	Francine V. Flynn	48 Wildwood Drive
	Doriann M. Jasinski	33 Presidential Drive
	Barbara A. Murphy	202 Cordaville Road
	George M. Pedersen, Jr.	11 Strawberry Hill Road
	Paul O. Smith	55 School Street

***Annual Town Meeting (continued)***

The Town Moderator, David A. Coombs, called the meeting to order at 7:41PM.

The boundaries of the Auditorium were outlined by the Moderator to include all of the floor area. The cafeteria was set up for the non-registered (non-voting) public to view Town Meeting from a television with live cable viewing of the Town Meeting.

The Town Moderator noted the receipt of the return of the posting of the Warrant for ARTICLES 17-33 for the Adjourned Annual Town Meeting by the Constable.

The Town Moderator had requests from the following non-voters to attend the Annual Town Meeting. There being no objections from the floor, it was voted to allow the following non-voters to remain:

Brian P. Ballantine, Finance Director  
Jennifer L. Burney, Town Planner  
Trevor Lucas Dillman, Southborough Access Media  
Ryan Donovan, Library Director  
Karen M. Galligan, Superintendent of Public Works  
Vanessa D. Hale, Assistant Town Administrator  
Michelle A. Jenkins, Temporary Town Clerk  
Christine M. Johnson, Superintendent of Schools  
Heidi Kriger, Town Accountant  
Joseph C. Mauro, Jr., Fire Chief  
Terry Newman, Southborough Access Media  
John Parent, Facilities Manager  
Kenneth M. Paulhus, Chief of Police  
Jonathan Phelps, Metrowest Daily News  
Mark J. Purple, Town Administrator  
Mark S. Robidoux, Inspector of Buildings

**ARTICLE 17:** To see if the Town will vote to accept the report of the Community Preservation Committee for the FY 2016 Community Preservation Projected Receipts and act upon the recommendations of the Community Preservation Committee and to set aside for later expenditure, certain sums of money from the Community Preservation Fund established pursuant to Chapter 44B of the Mass. General Laws, as follows:

Estimated Surcharge Receipts (based on Town Treasurer's projections): .....	\$299,022.00
FY16 State Match (projected State match) .....	\$58,346.00
Total Projected Revenue .....	<b>\$357,368.00</b>

**Set Aside- Open Space**

\$35,736.00 to be set aside, held in the Community Preservation Fund, and spent in FY2016 or later years for acquisition, creation or preservation of open space, and for the rehabilitation and/or restoration of open space acquired under the Community Preservation Act.

**Set Aside – Historic Preservation**

\$35,736.00 to be set aside, held in the Community Preservation Fund, and spent in FY2016 or later years for the acquisition, preservation, rehabilitation and restoration of historic resources.

**Set Aside – Community Housing**

\$35,736.00 to be set aside, held in the Community Preservation Fund, and spent in FY2016 or later years for the creation, preservation and support of community housing, and for the rehabilitation and/or restoration of community housing acquired under the Community Preservation Act.

*Annual Town Meeting (continued)*

**Administrative Costs – Community Preservation Committee**

\$17,868.00 to defray the administrative and operating expenses of the Community Preservation Committee in FY2016 for the Community Preservation Fund (discretionary)

**Set Aside – Budgeted Reserve/Discretionary**

Reserved for FY16 CPF (Undesignated Budgeted Reserve) \$232,292.00

Proposed by: COMMUNITY PRESERVATION COMMITTEE

Board of Selectmen Recommendation: Support

Advisory Committee Recommendation: Support

*Summary: These set asides are an annual requirement under the Community Preservation Act.*

**MOTION MADE:** That the Town vote to accept the report of the Community Preservation Committee for the FY 2016 Community Preservation Projected Receipts and act upon the recommendations of the Community Preservation Committee and to set aside for later expenditure, certain sums of money from the Community Preservation Fund established pursuant to Chapter 44B of the General Laws, as printed in the warrant.

**MOTION PASSED UNANIMOUSLY.**

**ARTICLE 18:** To see if the Town will vote to appropriate \$196,100.00 (\$35,736.00 from the Open Space Reserve Fund, and \$160,364 from the CPA General Unreserved/Fund Balance), to be applied to the Chestnut Hill Bond for the purpose of open space. Said funds to be expended under the direction of the Community Preservation Committee; or do or act anything in relation thereto.

Proposed by: COMMUNITY PRESERVATION COMMITTEE

Board of Selectmen Recommendation: Support

Advisory Committee Recommendation: Support

*Summary: This article is the Community Preservation Fund's portion of the annual payment of the bond funding for the preservation of Chestnut Hill Farm.*

**MOTION MADE:** That the Town vote to appropriate \$35,736.00 from the CPA Open Space Reserve Fund and \$160,364 from the CPA General Unreserved/Fund Balance, to be applied to the Chestnut Hill Bond for the purpose of open space. Said funds to be expended under the direction of the Community Preservation Committee.

**MOTION PASSED UNANIMOUSLY.**

**MOTION MADE:** That the Town reconsider Article 34.

Requires a 2/3 vote.

**MOTION DEFEATED.**

**ARTICLE 19:** To see if the Town will vote to appropriate \$62,000.00 from the CPA General Unreserved Fund Balance to fund the Tennis Court Restoration Project for the purpose of recreation as requested by the Southborough Recreation Department. Said funds to be expended under the direction of the Community Preservation Committee; or do or act anything in relation thereto.

Proposed by: COMMUNITY PRESERVATION COMMITTEE

Board of Selectmen Recommendation: Support

Advisory Committee Recommendation: Support

***Annual Town Meeting (continued)***

*Summary: The funds will be used to restore the tennis court surfaces at the courts located near the Finn and Neary School grounds. These facilities are widely used by the schools, by the Recreation Department for programs, and by residents. The courts have deteriorated to the point where it affects their ability to be used properly and safely.*

**MOTION MADE:** That the Town vote to appropriate \$62,000.00 from the CPA General Unreserved Fund to fund the Tennis Court Restoration Project. Said funds are to be expended under the direction of the Community Preservation Committee.

**MOTION PASSED UNANIMOUSLY.**

**ARTICLE 20:** To see if the Town will vote to transfer the sum of \$50,000.00, of which \$33,561.76 will transfer to the Historical Reserve Fund and \$16,438.24 will transfer to the CPA General Unreserved Fund for the Stony Brook Museum, Article 23, ATM 4-13-10.

Proposed by: COMMUNITY PRESERVATION COMMITTEE

Board of Selectmen Recommendation: Support

Advisory Committee Recommendation: Support

*Summary: This article will return previously allocated funds to their originating accounts for a project that was never initiated.*

**MOTION MADE:** That the Town vote to transfer the sum of \$50,000.00, of which \$33,561.76 will transfer to the Historical Reserve Fund and \$16,438.24 will transfer to the CPA General Unreserved Fund for the Stony Brook Museum, Article 23, ATM 4-13-10.

**MOTION PASSED UNANIMOUSLY.**

**ARTICLE 21:** To see if the Town will vote to transfer the sum of \$6,000.00 to the CPA General Unreserved Fund for the Recreation Field Assessment Project Article 24, ATM 4-14-09.

Proposed by: COMMUNITY PRESERVATION COMMITTEE

Board of Selectmen Recommendation: Support

Advisory Committee Recommendation: Support

*Summary: This article will return previously allocated funds to their originating accounts for a project that was never initiated.*

**MOTION MADE:** That the Town vote to transfer the sum of \$6,000.00 to the CPA General Unreserved Fund for the Recreation Field Assessment Project Article 24, ATM 4-14-09.

**MOTION PASSED UNANIMOUSLY.**

**ARTICLE 22:** To see if the Town will vote to transfer the sum of \$12,000.00 to the CPA General Unreserved Fund for the hiring of a Curator/Consultant by the Southborough Historical Society, Article 22, ATM 4-14-09.

Proposed by: COMMUNITY PRESERVATION COMMITTEE

Board of Selectmen Recommendation: Support

Advisory Committee Recommendation: Support

*Summary: This article will return previously allocated funds to their originating accounts for a project that was never initiated.*

**MOTION MADE:** That the Town vote to transfer the sum of \$12,000.00 to the CPA General Unreserved Fund for the hiring of a Curator/Consultant by the Southborough Historical Society, Article 22, ATM 4-14-09.



*Annual Town Meeting (continued)*

**MOTION PASSED UNANIMOUSLY.**

**ARTICLE 23:** To see if the Town will vote to amend Chapter 9 of the Code of the Town of Southborough by inserting a new article as follows:

Article VI        Boards, Committees and Commissions

§ 9-23            **Residency requirement for voting members of appointed governmental bodies.**

No person shall serve as a voting member of any appointed board, committee, or commission or other appointed governmental body of the Town of Southborough who is not a resident thereof. Nonvoting members, if any, shall not be considered in determining the presence of a quorum.

§ 9-24            **Qualification of elected and appointed officials.**

All elected and appointed officials shall be qualified by the Town Clerk within 15 days of their election except where a different period is specified in the General Laws. If an appointed official is not qualified in this period his/her appointment shall terminate and the appointing authority shall be so notified by the Town Clerk.

, or do or act anything in relation thereto.

Proposed by: TOWN CLERK

Board of Selectmen Recommendation: Support

Advisory Committee Recommendation: At Town Meeting

Summary: *This article would regulate the requirements of those to serve on Town matters and also to make certain that elected and appointed officials follow the proper procedures prior to voting on matters of the Town.*

**MOTION MADE:** That the Town vote to amend Chapter 9 of the Code of the Town of Southborough by inserting a new "Article VI, Boards, Committees and Commissions" as printed in the warrant.

**MOTION PASSED BY MAJORITY VOTE.**

**Approved by the Attorney General on June 15, 2015.**

**ARTICLE 24:** To see if the Town will vote to amend Chapter 174 of the Code of the Town of Southborough, Massachusetts, by adding the following text:

In section 174-11C(1), add a new subsection (j)

- (j) **POLITICAL SIGN** – A sign designed to influence the action of voters for the passage or defeat of a measure, or the election of a candidate to a public office at a national, state or other local election.
  - 1. Such signs are permitted in all districts without a permit if they are stationary, unlighted and temporary.
  - 2. Such signs shall be displayed no earlier than forty-five (45) days prior to the voting day and shall be removed within seventy-two (72) hours following the voting day.
  - 3. Such signs may not exceed four (4) square feet in area.
  - 4. A maximum of two (2) signs per lot per cause is allowed.

***Annual Town Meeting (continued)***

5. Such signs may be posted on Private Property only with permission of the property owner.

6. No political signs are allowed on Public Property or telephone poles.

, or do or act anything in relation thereto.

Proposed by: TOWN CLERK

Board of Selectmen Recommendation: Not Support

Advisory Committee Recommendation: At Town Meeting

Summary: *This article would regulate how long and where political signs can be placed around Town.*

**MOTION MADE:** That the Town vote to indefinitely postpone this article.

**MOTION PASSED UNANIMOUSLY.**

**ARTICLE 25:** To see if the Town will vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth pursuant to the Provisions of Clause (1) of Section 8 of Article 2 of the Amendments to the Constitution of the Commonwealth of Massachusetts and all other applicable laws for a Special Law, substantially in the following form, or do or act anything in relation thereto.

**AN ACT DIRECTING THE DIVISION OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE TO LEASE A CERTAIN PARCEL OF LAND IN THE TOWN OF SOUTHBOROUGH.**

*Be in enacted by the Senate and House of Representatives in the General Court assembled, and by the authority of the same as follows:*

**SECTION 1.** Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General Laws or any other general or special law to the contrary, the commissioner of capital asset management and maintenance, consultation with the commissioner of conservation and recreation, shall lease a certain parcel of land and any improvements thereon, which is currently under the control of the department of conservation and recreation, to the town of Southborough for a period of not less than 15 years, for its continued use as a multipurpose recreational field by the town. The parcel, being a portion of the property identified in the deed to the Commonwealth recorded at the Worcester county registry of deeds in book 1495, page 245, generally located northeast of Marlboro road on the easterly side of Acre Bridge road, and commonly known as the 9/11 Memorial Field. The exact boundaries of the property to be leased shall be determined by the commissioner of capital asset management and maintenance, in consultation with the commissioner of conservation and recreation, after completion of a survey. The lease agreement authorized by this section shall be subject to such terms and conditions as the commissioner of capital asset management and maintenance may prescribe, in consultation with the commissioner of conservation and recreation.

**SECTION 2.** If for any reason the properly leased as described in section 1 ceases to be used solely as a multipurpose recreational field, the commissioner of capital asset management and maintenance, in consultation with the commissioner of conservation and recreation, shall terminate the lease. If the lease is terminated, the property shall revert to the Commonwealth under the care and control of the department of conservation and recreation.

**SECTION 3.** Notwithstanding any general or special law to the contrary, the lease agreement authorized by section 1 shall provide for the town of Southborough to manage, operate, improve, repair and maintain the leased property and any improvements thereon for the term of the lease, and shall also provide for continuing public access to the property described in section 1; provided, however, that all management, operation, improvements, repairs, maintenance and public access shall be under conditions acceptable to the commissioner of conservation and recreation.

***Annual Town Meeting (continued)***

SECTION 4. The lease agreement authorized by section 1 may provide that the town of Southborough and its agents, tenants or contractors agree to hold the Commonwealth and its agents and employees harmless from and against all claims, actions, damages or costs claimed for injuries or damages to persons or property arising out of, or in any way relating to, the lease so authorized, and agree to indemnify and defend the commonwealth and its agents and employees from and against any and all such claims, actions, damages or costs.

SECTION 5. The town of Southborough shall be responsible for the costs and expenses related to the lease agreement authorized by section 1, including, but not limited to, costs associated with any engineering, surveys, appraisals and lease preparation as such costs may reasonably be determined by the commissioner of capital asset management and maintenance.

Proposed by: BOARD OF SELECTMEN

Board of Selectmen Recommendation: Support

Advisory Committee Recommendation: Support

Summary: *This home-rule petition would improve upon the current permit that the Town has under the Dept. of Conservation and Recreation (DCR) for the use of 9-11 Field. It would increase the term of the agreement with DCR from five years to fifteen years. Approval of this article by Town Meeting, and the State Legislature, would allow the Town to be able to fund a bond for new field turf entirely out of fees generated from the use of 9-11 Field.*

**MOTION MADE:** That the Town vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth pursuant to the Provisions of Clause (1) of Section 8 of Article 2 of the Amendments to the Constitution of the Commonwealth of Massachusetts and all other applicable laws for a Special Law,

**AN ACT DIRECTING THE DIVISION OF CAPITAL ASSET MANAGEMENT AND MAINTENANCE TO LEASE A CERTAIN PARCEL OF LAND IN THE TOWN OF SOUTHBOROUGH,** as printed in the warrant.

**MOTION PASSED UNANIMOUSLY.**

**Presentation made by Jesse T. Stein, Planning Board Member.**

**ARTICLE 26:** To see if the Town will vote to amend the Code of the Town of Southborough, by inserting a new Chapter 144 (Chapter 174, section 13.6 scribes' error) "Commercial large-scale ground-mounted solar energy systems", to read as follows:

**A. Purpose and Intent**

- (1) The purpose of this bylaw is to provide a permitting process and standards for the creation of new commercial solar energy systems by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations to address public safety and minimize impacts on residential neighborhoods and scenic, natural and historic resources.
- (2) The provisions set forth in this section shall apply to the construction, operation, repair and/or decommissioning of a commercial solar energy system that is structurally mounted on the ground and has a minimum nameplate capacity of 250 kW.

*Annual Town Meeting (continued)*

**B. Applicability**

- (1) Commercial large-scale ground-mounted solar energy systems with 250 kW or larger of rated nameplate capacity shall be erected or installed in compliance with the provisions of this section and other applicable sections of the Zoning Bylaw, as well as local, state and federal law and regulations. Such use shall not create a nuisance which is discernible from other properties by virtue of noise, vibration, smoke, dust, odors, heat, glare and radiation, unsightliness or other nuisances as determined by the Special Permit and Site Plan Review Granting Authority. The Special Permit and Site Plan approval granting authority is the Planning Board.
- (2) Commercial large-scale ground-mounted solar energy systems with 250 kW or larger of rated nameplate capacity is only allowed in the Industrial and Industrial Park Districts and shall undergo Special Permit and Site Plan review by the Planning Board prior to construction, installation or modification as provided in this section.
- (3) This section also pertains to physical modifications that materially alter the type, configuration or size of these installations or related equipment throughout the useful life of the system or where alterations may impact abutters.

**C. General requirements**

- (1) Dimensional requirements. A commercial solar energy system shall comply with all requirements in the Schedule of Dimensional Regulations in Addendum #2 of the Zoning Code of the Town of Southborough.
- (2) Structures and panels. All structures and panels and all associated equipment and fencing including the commercial solar energy system shall be subject to all applicable bylaws and regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking and building.
- (3) Visual impact. The visual impact of the commercial solar energy system including all accessory structures and appurtenances shall be minimized. All accessory structures and appurtenances shall be architecturally compatible with each other. Structures shall be shielded from view and/or joined and clustered if practical to avoid adverse visual impacts as deemed necessary by and in the sole opinion of the Planning Board. Methods such as the use of landscaping, natural features and opaque fencing shall be utilized.
- (4) Compliance with laws, ordinances and regulations. The construction and operation of all commercial solar energy systems shall be consistent with all applicable local regulations and bylaws, as well as state and federal laws, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a commercial solar energy system shall be constructed in accordance with the State Building Code.

**D. Design standards**

- (1) Lighting. Lighting of the commercial solar energy system, including all accessory structures and appurtenances, shall not be permitted unless required by the Planning Board, Special Permit and Site Plan approval decision or required by the State Building Code.
- (2) Signs and advertising
  - a. Section 174.11 Sign regulations of the Code of the Town of Southborough shall not apply to this section. Signage for commercial solar energy systems shall be limited in size as determined by the Planning Board.

*Annual Town Meeting (continued)*

- b. Commercial solar energy systems shall not be used for displaying any advertising except for reasonable identification of the owner or operator of the commercial solar energy system and emergency contact information.
  - (3) Utility connections. All utility connections from the commercial solar energy system shall be underground unless specifically permitted otherwise by a Special Permit and Site Plan approval decision. Electrical transformers, inverters, switchgear and metering equipment to enable utility interconnections may be above ground if required by the utility provider.
  - (4) Land clearing, soil erosion and habitat impacts. Clearing of natural vegetation and trees shall be limited to what is necessary for the construction, operation and maintenance of the commercial solar energy system or otherwise prescribed by applicable laws, regulations and bylaws or the Special Permit and Site Plan review decisions.
- E. Modifications. All substantive material modifications to the commercial solar energy system made after issuance of the Special Permit and Site Plan approval decision shall require modification to the Special Permit and Site Plan approval decision.
- F. Abandonment and removal.
- (1) Abandonment. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the commercial solar energy system shall be considered abandoned when it fails to operate at 50% capacity for more than one year without the written consent of the Planning Board. If the owner or operator of the commercial solar energy system fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the Town may enter the property and physically remove the installation.
  - (2) Removal requirements. Any commercial solar energy system which has reached the end of its useful life or has been abandoned shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal.
- G. Before issuance of any building permits for the commercial solar energy system, such construction and installation shall be secured in accordance with this bylaw and/or any regulations adopted pursuant to the commercial solar energy system for this purpose.
- H. Building Permit and Building Inspection  
No commercial solar energy system shall be constructed, installed or modified as provided in this section without first obtaining a building permit.
- I. The Planning Board may adopt regulations to implement the purpose of this bylaw.
- J. Permit Continuances. Special Permit and Site Plan approval decisions shall be valid for a twelve-month period unless renewed or extended by the Planning Board following an application made by the applicant.
- K. When acting on a Special Permit application pursuant to this Article, the Planning Board shall conduct its review, hold a public hearing and file its decision with the Town Clerk as required by MGL c.40A Section 9.

***Annual Town Meeting (continued)***

- L. Approval Criteria. In reviewing any application for a Special Permit pursuant to this Article, the Planning Board shall give due consideration to promoting the public health, safety, convenience and welfare; shall encourage the most appropriate use of land and shall permit no structure or use that is injurious, noxious, offensive or detrimental to its neighborhood.

, or do or act anything in relation thereto.

Proposed by: PLANNING BOARD

Board of Selectmen Recommendation: Support

Advisory Committee Recommendation: At Town Meeting

Summary: *This article would establish a new bylaw to provide a permitting process and standards for the construction, operation, repair and/or decommissioning of a commercial solar energy system that has a minimum nameplate capacity of 250 kW.*

**MOTION MADE:** That the Town vote to amend the Code of the Town of Southborough, by inserting a new Chapter 174, section 13.6 "Commercial large-scale ground-mounted solar energy systems", as printed in the warrant.

Requires a 2/3 vote.

**MOTION PASSED UNANIMOUSLY.**

**Approved by the Attorney General on June 15, 2015.**

**ARTICLE 27:** To see if the Town will vote to accept as a public way Metcalf Lane as shown on a plan entitled "Road Acceptance Plan of Land in Southborough, MA", prepared by Bruce Saluk & Associates, Inc., dated August 29, 2014 and revised February 10, 2015 and February 12, 2015, together with two highway rounding easements containing a total of 257 square feet, more or less, a drainage easement containing 26,648 square feet, more or less, all as shown on said plan, a copy of which is on file with the Board of Selectmen's office and the Town Clerk's office; or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN

Board of Selectmen Recommendation: Support

Advisory Committee Recommendation: At Town Meeting

Summary: *This article will allow the Town to accept Metcalf Lane as a public way together with contiguous easements; its construction and subsequent maintenance complies with the town's rules and regulations and as such may now be accepted as a permanent public way in the town.*

**MOTION MADE:** That the Town vote to accept as a public way Metcalf Lane as shown on a plan entitled "Road Acceptance Plan of Land in Southborough, MA", prepared by Bruce Saluk & Associates, Inc., dated August 29, 2014 and revised February 10, 2015 and February 12, 2015, together with two highway rounding easements containing a total of 257 square feet, more or less, a drainage easement containing 26,648 square feet, more or less, all as show on said plan, a copy of which is on file with the Board of Selectmen's office and the Town Clerk's office.

Requires a 2/3 vote.

**MOTION PASSED UNANIMOUSLY.**

**ARTICLE 28:** To see if the Town will vote to accept as a public way Thayer Lane as shown on a plan entitled "Street Acceptance Plan of Thayer Lane Southborough, MA" prepared by Engineering Design Consultants, Inc., dated December 19, 2014. A copy of said plan is on file with the Board of Selectmen's office and the Town Clerk's office; or do or act anything in relation thereto.

***Annual Town Meeting (continued)***

Proposed by: BOARD OF SELECTMEN

Board of Selectmen Recommendation: Support

Advisory Committee Recommendation: At Town Meeting

Summary: *This article will allow the Town to accept Thayer Lane as a public way; its construction and subsequent maintenance complies with the town's rules and regulations and as such may now be accepted as a permanent public way in the town.*

**MOTION MADE:** That the Town vote to accept as a public way Thayer Lane as shown on a plan entitled "Street Acceptance Plan of Thayer Lane Southborough, MA" prepared by Engineering Design Consultants, Inc., dated December 19, 2014. A copy of said plan is on file with the Board of Selectmen's office and the Town Clerk's office.

Requires a 2/3 vote.

**MOTION PASSED UNANIMOUSLY.**

**Presentation made by Michael Weishan, Historical Commission Member.**

**ARTICLE 29:** To see if the Town will vote to amend the Code of the Town of Southborough, by inserting a new Chapter 63 entitled, "Demolition Delay," to read as follows:

**Chapter 63 DEMOLITION DELAY**

- Section 63-1. Intent and Purpose.
- Section 63-2. Definitions.
- Section 63-3. Procedure.
- Section 63-4. Responsibility of Owners.
- Section 63-5. Emergency Demolition.
- Section 63-6. Demolition by Neglect.
- Section 63-7. Enforcement and Remedies.
- Section 63-8. Historic District Act.
- Section 63-9. Additional Rules and Regulations.
- Section 63-10. Severability.

**Section 63-1. Intent and Purpose.**

This bylaw is enacted for the purpose of protecting and preserving significant buildings and structures within the Town of Southborough which constitute or reflect distinctive features of the architectural or historical resources of the Town, and to encourage owners of such buildings and structures to seek out alternative options to preserve, rehabilitate or restore such buildings rather than to demolish them, thereby promoting the public welfare and preserving the cultural heritage of the Town.

To achieve these purposes the Southborough Historical Commission is authorized to advise the Building Inspector with respect to the issuance of permits for the demolition of significant buildings. The issuance of demolition permits for significant buildings is regulated as provided by this bylaw.

**Section 63-2. Definitions.**

**BUILDINGS AND STRUCTURES** – Any combination of materials forming a shelter for persons, animals, or property that constitute the historic built environment of the town.

**DEMOLITION** – Any act of pulling down, destroying, removing or razing a building or commencing the work of total or substantial exterior destruction with the intent of completing the same.

*Annual Town Meeting (continued)*

**DEMOLITION BY NEGLECT**

A process of ongoing damage to the features, viability and/or functionality of an unoccupied building leading towards and/or causing its eventual demolition due to decay and/or structural failure and/or severe degradation over a period of time as a result of a general lack of maintenance, and/or failure to secure the building from pests or vandals, and/or failure to take reasonable measures to prevent the ingress of water, snow, ice, and wind through the roof, walls, or apertures.

**BUILDING INSPECTOR** – The person occupying the office of Building Inspector or otherwise authorized to issue demolition permits.

**COMMISSION** – The Southborough Historical Commission.

**DEMOLITION PERMIT** – The permit issued by the Building Inspector for a demolition, substantial demolition or removal of a building, excluding a demolition permit issued solely for the demolition of the interior of a building.

**HISTORICALLY OR ARCHITECTURALLY SIGNIFICANT BUILDING** – Any building, in whole or in part, which was constructed prior to 1925 and is included in the Southborough Massachusetts Historical Properties Survey prepared by the Commission in 2000 (with revisions and updates in 2015) on file with the Town Clerk's office.

**PREFERENTIALLY PRESERVED** – Any historically or architecturally significant building which the Commission determines is in the public interest to be preserved or rehabilitated rather than to be demolished.

**Section 63-3. Procedure.**

- A. No permit for the demolition of a Historically or Architecturally Significant Building shall be issued other than in conformity with the provisions of this bylaw, as well as in conformity with the provisions of other laws applicable to the demolition of buildings and the issuance of permits generally.
- B. Application contents: Every application for a demolition permit for a Historically or Architecturally Significant Building shall be filed with the Building Inspector and shall contain the following information: (i) the address of the building to be demolished, (ii) the owner's name, address and telephone number, (iii) a brief description of the type of building and the condition requiring issuance of the permit; (iv) date of building as established by the Board of Assessors, deed or documentation verifying year of construction and (v) a brief description of the proposed reuse, reconstruction or replacement on the premises upon which the building is located.
- C. Within seven (7) business days from receipt of an application for a demolition permit of a Historically or Architecturally Significant Building, the Building Inspector shall forward a copy to the Commission. No demolition permit shall be issued during this time.
- D. Within ten (10) business days after receipt of the application for demolition permit by the Commission, the Commission shall make a Determination of Architectural and/or Historical Significance based upon the federal Secretary of the Interior's standards for historic buildings. Upon determination by the Commission that the building is not architecturally and/or historically significant, the Commission shall so notify the Building Inspector in writing. Upon receipt of such notification, or after the expiration of fifteen (15) business days from the date of submission to the Commission, if the Building Inspector has not received notification from the Commission, the Building inspector may issue the demolition permit.



*Annual Town Meeting (continued)*

- E. Upon determination by the Commission that the building is historically and/or architecturally significant, the Building Inspector and applicant shall be so notified in writing, and a demolition permit shall not be issued. The Commission shall hold a public hearing within fifteen (15) business days of the Determination of Significance to determine whether the building should be preferentially preserved. Public notice of the time, place and purpose of the hearing shall be published by the Building Department at the expense of the applicant in a newspaper of general circulation in the Town not less than seven (7) days before the day of said hearing and shall be posted in a conspicuous place in the Town Hall for a period of not less than seven (7) days before the day of said hearing.
- F. If after a public hearing the Commission determines that the significant building should not be preferentially preserved, the Commission shall notify the Building Inspector, in writing within five (5) business days of the hearing and the Building Inspector may issue a demolition permit upon receipt of the written decision.
- G. If after a public hearing the Commission determines that the significant buildings should be preferentially preserved, the Commission shall so notify the Building Inspector in writing within five (5) business days of the hearing, and no demolition permit may be issued until nine (9) months after the date of the determination by the Commission.
- H. Notwithstanding anything contained in paragraph G, the Building Inspector may issue a demolition permit for a preferably preserved building at any time after receipt of written advice from the Commission to the effect that either:
  - (i) The Commission is satisfied that there is no reasonable likelihood that either the owner or some other person or group is willing to purchase, preserve, rehabilitate or restore such building, or
  - (ii) The Commission is satisfied that for at least nine (9) months the owner has made continuing, *bona fide* and reasonable efforts to locate a purchaser to preserve, rehabilitate or restore the subject building, and that such efforts have been unsuccessful.

Section 63-4. Responsibility of Owners.

It shall be the responsibility of the owner of record or his designee to assist in the facilitation of the above process by providing information, allowing access to the property and securing the premises; for participating in the investigation of preservation options and for actively cooperating in seeking alternatives with the Commission and any interested parties.

Section 63-5. Emergency Demolition

Nothing in this bylaw shall prohibit the Building Inspector from immediately ordering the demolition of any building in the event of imminent danger to the safety of the public pursuant to the applicable standards under State Building Code.

Section 63-6. Demolition by neglect.

A.

If the Building Inspector has reason to believe, through visual inspection or other means, that a significant building may be undergoing demolition by neglect, then the Building Inspector shall notify the Commission and the owner, and the Commission and the Building Inspector shall jointly hold a public hearing to i) confirm whether or not the building is a significant building and ii) determine whether or not it is undergoing demolition by neglect, which shall require the concurrence of the Commission. In furtherance of determining its condition, the Commission may, at any time, request an inspection of the building by the Building Inspector.

*Annual Town Meeting (continued)*

B.

If the Commission and the Building Inspector agree that the building is undergoing demolition by neglect, the Commission and the Building Inspector shall attempt to negotiate a voluntary agreement with the owner for appropriate and timely repairs sufficient to structurally stabilize the building and/or prevent further deterioration. The Building Inspector will report the result to the Commission.

C.

In the event that the Building Inspector determines that he is not able to negotiate such an agreement with the owner, for any reason, or that the owner has agreed to undertake but has failed to satisfactorily complete such repairs in a timely manner, then the Commission and the Building Inspector may take such action as is permitted, including seeking a court order that specific repairs be undertaken to secure the building against the elements, vandals and vermin, to halt further deterioration, and to stabilize it structurally. The Commission may forbear from commencing an action in court for any reason and will preferentially consider any claim of undue economic hardship by the owner.

D.

Upon completion of all repairs that have been agreed upon between the owner and the Commission and the Building Inspector or that have been ordered by the Commission and the Building Inspector, or that have been ordered by the court, and upon certification by the Building Inspector that said repairs have been completed, the Commission shall certify that the building is no longer undergoing demolition by neglect.

**Section 63-7. Enforcement and Remedies.**

The Building Inspector is specifically authorized to institute any and all actions and proceedings, in law or equity, as they may deem necessary and appropriate to obtain compliance with the requirements of this bylaw or to prevent a threatened violation thereof. No building permit shall be issued with respect to any premises upon which a significant building has been voluntarily demolished in violation of this bylaw for a period of two (2) years after the date of the completion of such demolition. As used herein, "premises" refers to the parcel of land upon which the demolished significant building was located and all adjoining parcels of land under common ownership or control.

**Section 63-8. Historic District Act.**

Nothing in this bylaw shall be deemed to conflict with the provisions of the Historic District Act, Massachusetts General Laws Chapter 40C. If any of the provisions of this bylaw do so conflict, that act shall prevail.

**Section 63-9 Additional Rules and Regulations**

The Historical Commission is authorized to promulgate from time to time rules and regulations it deems necessary to administer the By-law that are not inconsistent with applicable state law.

**Section 63-10. Severability**

If any provision, section, paragraph sentence or word or other part of the By-law provisions, for any reason, is determined by a court of competent jurisdiction to be invalid, unenforceable or unconstitutional, then it is the intent of this By-law for Home Rule purposes that the remaining provisions continue in full force and effect.

, or do or act anything in relation thereto.

Proposed by: HISTORICAL COMMISSION

Board of Selectmen Recommendation: At Town Meeting

Advisory Committee Recommendation: At Town Meeting

***Annual Town Meeting (continued)***

*Summary: The demolition delay by-law proposed by the Historical Commission would create a mandatory 9-month period before structures built before 1925, or those deemed historically significant in the Historical Properties Survey (2000, with 2015 revisions), could be granted a demolition permit by the Southborough Building Inspector. During this period, the owner of the property would work with the Historical Commission through a series of public meetings to explore possibilities of adaptive reuse, restoration or removal to another location of the structure in question. If at any time during that period, the owner can demonstrate to the Commission's satisfaction that no other viable reuse for the structure can be found, the Historical Commission would instruct the Building Inspector to grant the permit for demolition. If after 9 months no other feasible means to preserve the structure have been found, the Building Inspector may issue a permit for demolition. This by-law delays, but does not prevent, demolition of historic structures in Southborough.*

**MOTION MADE:** That the Town vote to amend the Code of the Town of Southborough by inserting a new Chapter 63, entitled "Demolition Delay," as printed in the warrant.

**FIRST AMENDMENT MADE:** That the Town vote to amend the main motion, by striking 63-6(C) in its entirety and replace it with a new 63-6(C) In the event that the Building Inspector determines that he is not able to negotiate such an agreement with the owner, for any reason, or that the owner has agreed to undertake but has failed to satisfactorily complete such repairs in a timely manner, then the Building Inspector may take such action as is permitted, including seeking a court order that specific repairs be undertaken to secure the Building against the elements, vandals, and vermin, to halt further deterioration, and to stabilize it structurally. The Building Inspector may forbear from commencing an action in court for any reason and will preferentially consider any claim of undue economic hardship by the owner.

**FIRST AMENDMENT PASSED UNANIMOUSLY.**

**SECOND AMENDMENT MADE:** That the Town vote to amend the main motion by striking 63-6(D) in its entirety and replace it with a new 63-6(D) Upon completion of all repairs that have been agreed upon between the owner and the Building Inspector or that have been ordered by the Building Inspector, or that have been ordered by the court, and upon certification by the Building Inspector that said repairs have been completed, the Building Inspector shall certify that the Building is no longer undergoing demolition by neglect.

**SECOND AMENDMENT PASSED UNANIMOUSLY.**

**THIRD AMENDMENT MADE:** That the Town vote to amend Section 63-7 by striking "as used herein, "premises" refers to the parcel of land upon which the demolished significant building was located and all adjoining parcels of land under common ownership or control".

**THIRD AMENDMENT DEFEATED.**

**FOURTH AMENDMENT MADE:** That the Town vote to amend the main motion by adding a Section 63-11 Notification.

**Section 63-11 Notification**

1. The commission will notify each property owner listed on the Southborough Massachusetts Historical Properties Survey prepared by the Commission in 2000 (with revisions and updates in 2015) of any building, in whole or in part, which was constructed prior to 1925.
2. Notification - by certified mail within six (6) months of the effectiveness of the Demolition Delay by-law (Article 29 of the Annual Town Meeting on April,13, 2015). Such notification will include a copy of the approved by-law.

***Annual Town Meeting (continued)***

3. To the extent any properties are added to the Southborough Massachusetts Historical Properties Survey inventory, for reasons of the construction date (prior to 1925), Historical or Building significance, the Commission shall deliver notice thereof to each property owner effected thereby by certified mail within six (6) months of said property being added. Such notification will include a copy of the approved by-law.
4. A listing of all Significant Buildings identified by Southborough Massachusetts Historical Commission with updates shall be on file with the Town Clerk's Office.

**FOURTH AMENDMENT DEFEATED.**

**FIFTH AMENDMENT MADE:** That the Town delete all of Section 63-6 Demolition by Neglect in its entirety.

**FIFTH AMENDMENT DEFEATED.**

**MAIN MOTION WITH AMENDMENTS PASSED: 80 in favor, 54 opposed**

**Approved by the Attorney General on June 15, 2015.**

**Presentation made by Mark Murphy, Recreation Commission Member.**

**ARTICLE 30:** To see if the Town will vote to raise and appropriate, borrow and appropriate or transfer from available funds a sum of money for the replacement of lights at Choate Field, or do or act anything in relation thereto.

Proposed by: RECREATION COMMISSION

Board of Selectmen Recommendation: At Town Meeting

Advisory Committee Recommendation: At Town Meeting

Summary: *The Recreation Commission recommends that the Choate Field lights are in need of immediate replacement as they are near the end of their life expectancy. The project will begin in the Summer of 2015. It is the intent of the Commission and Recreation Director to pursue other funding sources and in kind donations.*

**MOTION MADE:** That the Town vote to borrow the sum of \$195,000 for the replacement of the lights at Choate Field, which shall be repaid, in the first instance, by fees generated from the use of the field, although any borrowing for this project shall, nevertheless, constitute a pledge of the Town's full faith and credit in accordance with the Massachusetts General Law.

Requires a 2/3 vote.

**MOTION PASSED UNANIMOUSLY.**

**ARTICLE 31:** To see if the Town of Southborough will vote to raise and appropriate or borrow and appropriate a sum of money for the drainage system repair and re-grade, crown and repave Clifford Street between 28 and 18 Clifford Street.

, or do or act anything in relation thereto.

Proposed by: MARNIE L. HOOLAHAN

Board of Selectmen Recommendation: At Town Meeting

Advisory Committee Recommendation: At Town Meeting

**Annual Town Meeting (continued)**

*Summary: This is a citizen's petition that seeks funding authorization to improve the "country road" drainage challenges between 28 and 18 Clifford Street by installing a formal drainage system and to crown and re-pave that section of Clifford Street. Since Clifford Street was paved in 2005 the neighbors at 28-18 Clifford Street have experienced new drainage run off damage and destruction; including loss of over 4 large 60' pine trees, rock garden, all top soil and a large sink hole in a basketball hoop area. The issue is that the street was not crowned appropriately and the water run-off and drainage system designed for the country road has not been adequate to handle the increased directional flow from the street and run off for the large wooded land mass situated between 26 and 20 Clifford. Due to one construction, the 4 acre land mass on the South side of Clifford has been denuded of ALL plant life and trees. The residents have increasing concern that this new 4 acre clearance will further devastate the country road drainage. Currently, the run-off water improperly drains in the land owned by 22 and 20 Clifford and into a manmade pond in the back of properties 26, 24 and 22 Clifford as well as down toward the Neary school path where children walk. The Article is a request to appropriate funds for DPW (or a professional drainage improvement and paving sub-contractor be hired) to repair the country road drainage system by replacing the underground drainage pipes and the subsequently repave and approximately crown the street to enhance the directional water flow away from the homes on Clifford and into the new drainage system.*

**MOTION MADE:** That the Town vote to indefinitely postpone this article.

**MOTION PASSED UNANIMOUSLY.**

**ARTICLE 32:** To see if the Town of Southborough will vote to authorize the town to issue all citizens requesting access to the town's recycling bins, Goodwill, can and bottle bin and the swap shop. A special sticker allowing admittance to this section ONLY of the transfer station for the cost of \$25.00 per year.

Any use of the transfer station compactor with out a transfer station compactor sticker will be subject to all rules, regulations and fine as printed in the violation and fines section of the town transfer station article III entitled "Transfer Station" violations and fines" of chapter 36 of the code of the town of Southborough.

(Access to the yard waste section is not included with this proposal.)

, or do or act anything in relation thereto.

Proposed by: JACK BARRON

Board of Selectmen Recommendation: At Town Meeting

Advisory Committee Recommendation: Not Support

*Summary: This is a citizen's petition seeking to bring fairness and equal access for all Southborough residents to the public sections at the transfer station property. Currently, the Town prevents a resident access to the swap shop and recycling sections without paying several hundred dollars for a special permit. Residents of apartments, condominiums and homes who use a private trash service are forced to buy a permit just to recycle. This is not fair or equitable for many taxpaying residents.*

**MOTION MADE:** That the Town of Southborough vote to authorize the town to issue all citizens requesting access to the town's recycling bins, Goodwill, can and bottle bin and the swap shop. A special sticker allowing admittance to this section ONLY of the transfer station for the cost of \$25.00 per year.

Any use of the transfer station compactor without a transfer station compactor sticker will be subject to all rules, regulations and fine as printed in the violation and fines section of the town transfer station article III entitled "Transfer Station" violations and fines" of chapter 36 of the code of the town of Southborough.

**MOTION PASSED BY MAJORITY VOTE.**

*Annual Town Meeting (continued)*

**ARTICLE 33:** To see if the Town will vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth pursuant to the Provisions of Clause (1) of Section 8 of Article 2 of the Amendments to the Constitution of the Commonwealth of Massachusetts and all other applicable laws for a Special Law, substantially in the following form, or to take any action relative thereto.

**AN ACT AUTHORIZING THE TOWN OF SOUTHBOROUGH TO GRANT AN ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES.**

*Be in enacted by the Senate and House of Representatives in the General Court assembled, and by the authority of the same as follows:*

**SECTION 1.** Notwithstanding Section 17 of Chapter 138 of the General Laws, the Licensing Authority of the Town of Southborough may grant an additional License for the Sale of All Alcoholic Beverages not to be drunk on the premises pursuant to said Section 15 of Chapter 138, to Southborough Variety Corp. d/b/a Stony Brook Market, located at 162 Cordaville Road, Southborough, MA. The License shall be subject to all of the Provisions of said Chapter 138, except Section 17 thereof. Upon the issuance of the License authorized by this Act, Southborough Variety Corp. shall surrender to the Licensing Authority the License currently held for the Sale of Wine and Malts not to be drunk on the premises.

**SECTION 2.** The Licensing Authority shall not approve the transfer of the License to any other location, but it may grant the License to a new applicant at the same location if the applicant files with the Licensing Authority a letter from the State Department or Revenue, indicating that the License is in good standing with the Department, and that all applicable taxes have been paid.

**SECTION 3.** If the License under this Act is cancelled, revoked, or no longer in use, it shall be physically returned with all legal rights, privileges, and restrictions pertaining thereto, to the Licensing Authority, which may then grant the License to a new applicant at the same location, under the same conditions as specified in the Act.

**SECTION 4.** This action shall take effect upon its passage.

Proposed by: KONSTANTINOS E. & CHRISTO A. BALTAS

Board of Selectmen Recommendation: Support

Advisory Committee Recommendation: Support

*Summary: This is a citizen's petition seeking an All Alcohol Retail license for Stony Brook Market.*

*Because the requested license exceeds the quota of licenses granted by the Commonwealth, the Legislature has to approve the license by Special Act should it be approved by Town Meeting.*

**MOTION MADE:** That the Town vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth pursuant to the Provisions of Clause (1) of Section 8 of Article 2 of the Amendments to the Constitution of the Commonwealth of Massachusetts and all other applicable laws for a Special Law,

**AN ACT AUTHORIZING THE TOWN OF SOUTHBOROUGH TO GRANT AN ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES, as printed in the warrant.**

**MOTION PASSED UNANIMOUSLY.**

At 10:41PM, it was unanimously voted to dissolve the ANNUAL TOWN MEETING.

True Copy

Attest:

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Michelle A. Jenkins, Temporary Town Clerk



**TOWN WARRANT  
COMMONWEALTH OF MASSACHUSETTS**

<b><i>Annual Town Meeting April 11, 2016</i></b>
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At the Annual Town meeting, duly called and held in the P. Brent Trottier Middle School, Southborough, on Monday April 11, 2016 at 7:00 PM, the following ARTICLES were voted on in a legal manner. There was a quorum present (100 voters = quorum); 512 voters were present.

**MOTION MADE:** To waive the reading of the Warrant.

**MOTION PASSED.**

**ARTICLE 1:** To hear reports of the various Town Officers and Committees and to take such action thereon as the Town may vote.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *To hear reports of Town Boards, Committees or Commissions.*

**MOTION MADE:** That the Town hear reports of the various Town Officers and Committees and to take such action thereon as the Town may vote.

**MOTION PASSED.**

**ARTICLE 2:** To see if the Town will vote to accept any sum of money from St. Mark's School, Fay School, Harvard Medical School, New England Regional Primate Research Center, L'Abri Fellowship, The New England Center for Children, and any other contributor and deposit same amount in Estimated Receipts Account, and determine what disposition shall be made of the same, if accepted.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *To allow the Board of Selectmen to accept donations from Tax Exempt organizations and determine the disposition of funds.*

**MOTION MADE:** That the Town vote to accept any sum of money from St. Mark's School, Fay School, Harvard Medical School, New England Regional Primate Research Center, L'Abri Fellowship, The New England Center for Children, and any other contributor and deposit same amount in Estimated Receipts Account, and determine what disposition shall be made of the same, if accepted, or do or act anything in relation thereto.

**MOTION PASSED.**

**ARTICLE 3:** To see if the Town will vote to authorize the Town Treasurer, with the approval of the Selectmen, to borrow from time to time in anticipation of revenue of the financial year beginning July 1, 2015 in accordance with the provisions of Massachusetts General Laws, Chapter 44, and to issue a note or notes as may be given for a period of less than one year in accordance with Massachusetts General Laws, Chapter 44, Section 17 as amended, or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**



**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *This article allows the Town Treasurer to short-term borrow in anticipation of revenue.*

**MOTION MADE:** That the Town vote to authorize the Town Treasurer, with the approval of the Selectmen, to borrow from time to time in anticipation of revenue of the financial year beginning July 1, 2015 in accordance with the provisions of Massachusetts General Laws, Chapter 44, and to issue a note or notes as may be given for a period of less than one year in accordance with Massachusetts General Laws, Chapter 44, Section 17 as amended.

**MOTION PASSED.**

**ARTICLE 4:** To see if the Town will vote in accordance with the provisions of Massachusetts General Laws Chapter 30B, Section 12(b), to authorize the Board of Selectmen or the Superintendent of Schools to solicit and award contracts for terms exceeding three years, including any renewal, extension or option, provided in each instance the longer term is determined to be in the best interest of the Town by a vote of the Board of Selectmen or the School Committee, as appropriate, or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation:** Support

**Advisory Board Recommendation:** Support

**Summary:** *This article allows the Selectmen and/or the School Committee to enter into contracts in excess of three years, if deemed in the best interest of the Town to do so. This has been an annual article, and the exemption has been limited to contracts of no more than seven years.*

**MOTION MADE:** That the Town will vote in accordance with Massachusetts General Laws Chapter 30B, Section 12(b), to authorize the Board of Selectmen or the Superintendent of Schools to solicit and award contracts for terms exceeding three years, including any renewal, extension or option, provided in each instance the longer term is determined to be in the best interest of the Town by a vote of the Board of Selectmen or the School Committee.

**MOTION PASSED.**

**ARTICLE 5:** To see if the Town will vote to accept the following changes, as noted in BOLD in the Personnel Salary Administration Plan, as specified in Chapter 31 of the Code of the Town of Southborough, entitled: PERSONNEL.

**SALARY ADMINISTRATION PLAN AND PERSONNEL BY-LAWS  
OF THE TOWN OF SOUTHBOROUGH  
[revised at April 11, 2016 Annual Town Meeting]**

This by-law establishes a Salary Administration Plan for the Town of Southborough that (i) groups position classifications in Town services, (ii) establishes salary schedules and employee benefits and (iii) establishes and authorizes the Personnel Board to administer the by-law and to represent the interest of both the taxpayers and the Town employees.

This Salary Administration Plan applies to the positions of all officers and employees in the service of the Town, whether full-time, part-time, temporary, seasonal, special or any other, except those positions filled by popular election, under the direction and control of the School Committee, or encompassed in any officially recognized labor union and/or association. The positions covered by this Salary Administration Plan are hereby classified by titles in the groups listed in Schedule A through H ("Classification Schedule") as set forth in Section 20 of this by-law.

The classification of positions subject to the Massachusetts Welfare Compensation Plan (as amended) and the scheduled rates therefor, as well as the applicable provisions of the Massachusetts General Laws relating to the application of rates set forth in the aforementioned Welfare Compensation Plan are hereby incorporated by reference.

## SECTION 1. DEFINITIONS

As used in this by-law, the following words and phrases shall have the following meanings:

“Administrative Authority” means the elected or appointed official or board having jurisdiction over a function or activity.

“Anniversary Date” means the date 180 days after (i) the first day of employment or (ii) the date of any promotion, whichever is later.

“Base Pay” means the compensation paid by the Town of Southborough for the purposes of determining retirement credits and contributions for Town employees.

The Town shall contribute funds as required for each eligible employees in accordance with the procedures and formula established by the Worcester Regional Retirement System and the by-laws of the Town of Southborough. Contributions shall include (i) wages earned during the first eight hours worked in any one day (no contributions shall be made for hours worked in excess of 40 per week,) (ii) any lump sum bonus that is guaranteed by the Salary Administration Plan or the By-Laws of the Town, (e.g., longevity pay); (iii) vacation pay, except when paid in lieu of taking vacation; (iv) sick pay; and (v) holiday pay.

“Class” means a group of positions in the Town service sufficiently similar with respect to duties and responsibilities such that for each position the same (i) descriptive title may be used, (ii) qualifications shall be required, (iii) tests of fitness may be used to choose qualified employees and (iv) scale of compensation can be equitably applied.

“Classification Schedule” means any of Schedules A, B, C, D, E, F, G and H of Section 20 hereof.

“Compensation Grade” means a range of salary/wage rates as may appear in the Classification Schedules.

“Continuous Full-Time Service” means employment requiring a predetermined minimum work period that is uninterrupted except for authorized leaves (e.g., vacation, sick, etc.).

“Continuous Employment” means full-time or part-time employment that is uninterrupted except for authorized leaves (e.g., vacation, sick, etc.).

“Department” means a functional unit of Town government.

“Department Head” means the person appointed and responsible to carry out the duties of a Department.

“Full-Time Employment” means employment for not less than 20 hours per week for fifty-two weeks per annum, excepting authorized holidays and leave periods.

“Group” means a group of classes as may appear in the Classification Schedules.

“Maximum Rate” means the highest compensation rate to which an Employee is entitled.

“Minimum Rate” means the lowest rate in a Range, and is normally the hiring rate of a new employee.

**“On-Call Compensation” refers to additional money paid to an employee who is required to work when the need requires; oftentimes in an evening or weekend capacity.**

“Part-Time Employment” means employment less than 20 hours per week.

“Position” means an office or post of employment in the Town service with duties and responsibilities calling for the Full-Time or Part-Time Employment of one person in the performance and exercise thereof (or of more than one person sharing the same position).

“Position Class” means the same as “Class” (note that a class may include only one position, in which event it is defined as a “single position class”).

“Promotion” means a change from one position to another position in a higher class and/or compensation grade.

“Range” means the difference between minimum and maximum rates of an assigned grade.

“Rate” means the measure of compensation for personal services on an hourly, weekly, monthly, annual or other basis.

“Salary Administration Plan” means this Salary Administration Plan and Personnel By-Laws of the Town of Southborough.

“Single Rate” means a rate for a specific position class that is not in a designated range.

## SECTION 2. POSITION TITLES

No person shall be appointed, employed or paid in any position under any title other than those of the Classification Schedule for which the duties are actually performed. The position title in the Classification Schedule shall be the official title for all purposes, including payrolls, budgeting and official reports.

## SECTION 3. NEW OR CHANGED POSITIONS

No new position shall be established, nor the duties of an existing position so changed that a new level or work demand exists, unless upon presentation of substantiating data satisfactory to the Personnel Board, the Board shall rate such new or changed position, and allocate it to its appropriate classification grade and establish the rate therefor.

## SECTION 4. RECLASSIFICATION OF EMPLOYEES

No position may be reclassified to another grade, whether higher or lower, unless the Personnel Board shall have determined such reclassification is consistent with this Salary Administration Plan, and it shall be approved at an annual or special town meeting.

## SECTION 5. JOB DESCRIPTIONS

The Personnel Board shall maintain written job descriptions of the position classes in the Classification Schedule, each consisting of a statement describing the essential nature of the work required of such classes. Each Department Head shall be required to retain current job descriptions and to submit any revisions to the Personnel Board (following any review by the Board of Selectmen or their designated appointee or the appropriate Commissioners or Trustees). The description for any class shall not be deemed to limit the duties or responsibilities of any position, nor to affect in any way the power of any administrative authority to appoint, to assign duties to, or to direct and control the work of any employee under the jurisdiction of such authority.

## SECTION 6. COMPENSATION

a. The bi-weekly pay period shall begin at 12:00 a.m. Thursday and shall end at 11:59 p.m. on the following second Wednesday.

b. Non-exempt employees subject to this Salary Administration Plan shall be paid for one and one-half hours worked for any hour worked in the excess of forty in their **weekly** pay period, provided such extra hours were authorized by the Department Head.

c. The salary schedules set forth in Schedules A, B, C, D, E, F and G of Section 20 hereof reflect the maximum and minimum salaries for each grade.

d. Salary set forth in Schedule A represents a 40 hour work week and in the event an employee works less than 40 hours per week but more than 20 hours per week, the indicated salary is pro-rated reflective of the posted salary schedule in Schedule A.

e. Amounts paid to employees in reimbursement for expenses incurred in the performance of their duties (e.g., mileage, meals, dues, etc.) shall be paid in addition to their compensation. Reimbursement shall be based upon the actual documented expenditure made by the employee, or at rates established by the Internal Revenue Service, supported by that agency's requirements for documentation.

**f. On-Call Compensation: Employees shall be eligible to earn a weekly stipend not to exceed \$200.00 per week for on-call service if the department head has required them to work outside of their normal schedule. This need is likely to occur on an evening or weekend basis as the need requires. There is no provision to accrue compensation time in lieu of payment.**

## SECTION 7. ADJUSTMENT & COMPENSATION POLICIES

a. Every employee that is in Continuous Full-Time or Part-Time service of the Town, as computed from the date of their latest employment, shall be eligible annually for consideration of a merit increase, one year from the date of his/her latest increase. Except as may be authorized by the Personnel Board in exceptional circumstances, such increase is not to exceed one increase in any single twelve-month period until the maximum of the grade is obtained, and such increase shall be subject to the **recommendation** of the Department Head, **with the approval of** the Board of Selectmen or their designated appointee, or the appropriate Commissioners or Trustees.

**Retroactive merit increases voted by the Personnel Board shall not be compensated beyond July 1 of that fiscal year, regardless of the funding mechanism.**

An evaluation of the employee's performance, in a format approved by the Personnel Board, must accompany a request for an increase. Upon receiving such documentation, the Personnel Board shall have final review and approval of all adjustments.

An employee may appear before the Personnel Board prior to its action on any request for a merit increase. Any employee denied such an increase may appeal, in writing, to the Personnel Board, which shall confer with the employee, the Department Head and the Board of Selectmen or their designated appointee, or the appropriate Commissioners or Trustees, and shall decide the matter.

b. Regular Part-Time employees shall be eligible for consideration for merit increases within their grade one year from the date of their last increase.

c. Special and other Part-Time personnel for whose positions there is a single rate established in Schedule D shall not be eligible for adjustment.

**d. Eligible residents who have participated in the Senior Tax Work-Off Program must complete their annual hours [pursuant to MGL Chapter 59, Section 5K] before they shall be compensated for filling a temporary position in any town department. Such individuals shall be compensated through a bi-weekly payroll for the pertinent department, and be treated as a non-benefitted employee; applicable federal and state deductions will be taken.**

## SECTION 8. TRANSFERS AND PROMOTIONS

a. An employee who is promoted to a job with a higher range or rate of pay shall enter it at the rate recommended by the Department Head with the approval of the Personnel Board. The employee may also receive at the time an increase, provided the maximum for the job is not exceeded, if the Department Head recommends that qualifications and performance warrant it and the Personnel Board approves. If the Department Head recommends that there should be a probationary period before the promotional increase [not to exceed the percentage increase

voted for that fiscal year], then the Personnel Board may approve such a deferred promotional increase at the conclusion of the probationary period (which shall not exceed six months).

b. An employee transferred to a job with a lower range or rate of pay shall enter it at the rate paid for the previous position or at the maximum rate for the job, whichever is the lower, provided the Personnel Board approves. The employee shall have a right to appeal this decision, in writing, to the Personnel Board, which shall confer with the employee, the Department Head and the Board of Selectmen or their designated appointee, or the appropriate Commissioners or Trustees, and shall decide the matter.

#### SECTION 9. NEW PERSONNEL and MERIT INCREASES

a. Pre-employment physical examinations will be required of newly-hired employees consistent with the Town's policies.

b. A new employee's hiring rate shall be the minimum of the rate range of the job, unless otherwise authorized by the Personnel Board or Town Administrator [who shall have authorization to set pay rates up to the mid-point]. Department Heads shall notify the Personnel Board of the hiring of all personnel and their hiring rates.

c. The Personnel Board is cognizant of the need to make timely decisions during the recruitment process. Henceforth, the Board agrees to allow the Town Administrator the ability to set a starting salary for new employees with comparable experience from the municipal, state or federal sector, up to and not exceeding the mid-point of the pay scale set forth in Schedule A and B of the Salary Administration Plan.

d. For new hires, the first six months of employment shall be a probationary period at the end of which the employee may receive a merit increase based on the approved annual percentage set by the Personnel Board, provided that the Department Head recommends and the Personnel Board approves. The employee shall thereafter be reviewed for a rate increase one year from the date of the employee's latest increase, **based on a submitted performance evaluation**. This probationary rate increase shall apply only at the start of employment and shall not apply in case of transfer or promotion from one job to another. **The effective date of the new position shall then become the employee's new anniversary date for merit increases. [Longevity and paid leave accruals shall be based on the original hire date]**. During any such probationary period, benefit eligible employee(s) nevertheless will earn vacation, sick and personal time in accordance with Section 11(b) hereof.

#### SECTION 10. DEPARTMENT BUDGETS

Each Department Head shall include in the annual departmental budget a pay adjustment section to provide funds for anticipated pay adjustments, with expenditures to be made only in accordance with this Salary Administration Plan and with the approval of the Personnel Board. **Degree bonus [Sec 11i(1)] funds shall also be budgeted in the departmental budget.**

#### SECTION 11. EMPLOYEE BENEFITS

Employee benefits are a cost to the Town and a form of "indirect pay" to employees. The benefits listed below are not intended to supersede what State or Federal law may otherwise require.

All forms of paid leave set forth in the SAP may represent a 40 hour work week; in the event an employee works less than 40 hours per week but more than 20 hours per week, the indicated benefit shall be pro-rated reflective of the approved hours per week for that position.

a. Holidays with Pay

Each eligible Employee shall receive one day's pay at their regular rate for the following:

New Year's Day

Labor Day

Martin Luther King Day

Columbus Day

Presidents' Day  
Patriot's Day  
Memorial Day  
Independence Day

Veteran's Day  
Thanksgiving Day  
Day after Thanksgiving Day  
Christmas Day  
Day before or after Christmas Day (as set by the Town annually)

To be eligible for holiday pay, an Employee must work (or be duly excused from working) their regular scheduled days preceding and following the holiday. Employees who do not work 20 hours or more per week on a regular basis shall not be compensated for holidays.

Employees whose regular day off falls on a holiday may have one day off with pay within the ensuing thirty days in lieu of holiday pay, with the specific choice of day subject to Department Head approval. Furthermore, the day granted in lieu of holiday pay shall not cross fiscal years.

All administrative policies and practices relative to holidays with pay shall be prepared and established under the direction of the Personnel Board.

#### Vacations with Pay

- (1) Regular Full-Time Employees who have been in the continuous employ of the Town shall earn paid vacation in accordance with the following schedule:

Years of Employment	Hours Earned per month
0-5	6.666
6-10	10.0
11-15	13.333
16 or more	16.666

Employees hired prior to July 1, 2005, shall be eligible to earn twenty hours per month after serving twenty years of full time employment with the Town.

(2) At the recommendation of the hiring authority and upon the approval of the Personnel Board, new employees entering into a position with the Town of Southborough from a similar position in another municipality or similar government agency will be allowed to enter into the vacation schedule using their years of service from their prior employment, up to a maximum of three weeks' vacation [pro-rated] for the first year of employment with the Town. Employees commencing employment with three weeks per year will be required to complete five years of service before ascending to the next band in the vacation schedule chart.

The probationary period for new hires would still apply.

(3) Vacation shall be granted by Department Heads at their discretion subject to the regular work needs of the Department. An employee shall be permitted to carry over to the following year one year's worth of earned vacation. The employee must have the Department Head's approval to take any portion of a prior year's unused vacation in addition to the days earned in the current fiscal year.

(4) If in the opinion of the Department Head there are unusual work-related circumstances that warrant it, a department head may seek approval from the Town Administrator, to allow the employee to continue to work and receive vacation pay in lieu of taking vacation. Approval granted in this section may not exceed ten days per **fiscal** year.

(5) In the event of termination of employment other than for cause, the employee shall be paid, or be entitled to time off with pay, for any accumulated vacation time. **Personal and sick leave shall not be compensated at termination.**

(6) Vacation administrative policies and practices shall be prepared and established under the direction of the Personnel Board.

c. Sick Leave

(1) All regular Full-Time Employees shall be entitled to accrue 10 sick hours per month, equaling 120 hours annually (15 sick days); employees working less than 40 hours in a weekly pay period will accrue ratably based on hours worked per week. Pay for each day of sick leave shall be at the regular rate. Absences on account of sickness in excess of that authorized shall be charged to vacation or other available paid leave. Sick leave shall be payable only in cases of genuine illness, non-work connected accident, or work connected accidents not covered by Massachusetts General Laws Chapter 152 (Workers' Compensation).

(2) Unused sick leave may be accumulated without limitation for employees hired before July 1, 2007. Employees of the Town of Southborough hired on or after July 1, 2007 may only accrue 120 sick days at any one time. At retirement **[or death]** only, the Town will pay the employee twenty percent (20%) of the employee's then-accumulated sick leave.

(3) Employees who because of genuine illness or a non-work connected accident are absent for a period of more than three days shall be required to present a doctor's certificate to their Department Head before returning to work stating the reason, the period of time the employee was absent and whether there are any physical restrictions **or required outpatient services** the employee must adhere to in the workplace.

(4) Annually, an employee may use up to seven of the allowed fifteen days of sick leave for the care of a sick family member.

(5) Sick leave administrative policies and practices shall be prepared and established under the direction of the Personnel Board.

d. Personal Days

Each employee shall be entitled to three personal days per year, to be granted annually on the anniversary of the employee's date of hire. New employees shall be granted three personal days which shall be pro-rated based on hours worked per pay period. Requests for personal days shall be approved by the Department Head. Personal days shall not accumulate from year to year.

e. Military Leave

(1) Reserve Duty: An employee in full-time employment in the military reserve shall be paid the difference between compensation received while on reserve duty and regular compensation rates paid the employee by the Town. Such payment by the Town shall be limited to a period not to exceed two weeks in any twelve-month period.

(2) Active Duty: Pursuant to Article 8 of the April 11, 2005 Annual Town Meeting, an employee in the federal military reserve or a state National Guard who is called to active service shall be entitled to their regular base salary and shall not lose any seniority or paid leave benefits while on military leave; *provided*, however, that such base pay shall be reduced by any amount received from the United States as pay or allowance for military service performed.

f. Jury Duty

Any employee who is called to jury duty shall be paid the difference between their normal compensation and the amount (excluding any travel allowance) received from the court, upon presentation of evidence of the amount paid by the court.

g. Miscellaneous Paid Time Off

Working time lost from regularly scheduled work days for reasons listed below shall be without loss of pay, provided such lost time is authorized by the Department Head:

(1) Bereavement leave – In the event of the death of a spouse, father, mother, child, father-in-law, mother-in-law, brother, sister, grandparent, or of any other person then residing with the employee, such employee shall be entitled to receive three days' leave for the purpose of the funeral and services of the deceased. If out-of-state travel is required, the **Town Administrator** may authorize up to two additional days of travel time.

(2) Medical examination or inoculation required by the Town.

(3) Blood donation authorized by the Department Head.

(4) Attendance at professional and educational programs authorized by the Department Head.

h. Court Time Pay

If the Town requires that an employee appear in Court as a witness or in any other capacity arising from the performance of the employee's duty, or on behalf of the Commonwealth or the Town in any civil or criminal case pending in any Court or other official governmental board or agency, then for any such appearance that is made outside of the employee's normal working hours the employee shall be entitled to overtime compensation for every hour or fraction thereof during which they appear (but in no event less than three hours of such overtime pay).

i. Employee Educational Support/Professional Development

(1) Degree Bonus: All Full-Time employees who, while an employee of the Town, earns a degree in a field applicable to their position from an accredited college or university, shall receive a one-time bonus subject to appropriation, according to the following schedule:

Associates Degree....\$ 800.00  
Bachelor's Degree...\$1,200.00  
Master's Degree.....\$1,500.00

A copy of the completed transcript, diploma or other appropriate evidence of the completed degree must be presented to the Department Head **and the Personnel Board, and shall be submitted as documentation for accounts payable.**

(2) Tuition reimbursement: As administered through the Personnel Board and subject to the procedure below, the Town may provide tuition reimbursement to any Full-Time employee for a course that applies to the employee's specific position and for which the employee attained a grade of "B" or better.

(3) Approval Procedure: Town funds must first be appropriated by Town Meeting in the Personnel Board's fiscal year budget. If funds are appropriated, then no later than August 31<sup>st</sup> of each year interested employees shall advise the Personnel Board in writing of their interest in taking work-related courses during the fiscal year. The request should be routed through the employee's Department Head **to the Assistant Town Administrator**, and should include detailed information regarding the desired coursework and cost of tuition. Thereafter the Personnel Board will review all such requests and make recommendations for reimbursement based on available funds and the number of requests. The Board will then notify the employee and their department head of the decision.

(4) Reimbursement: Tuition reimbursed shall be paid only after the employee presents to the Department Head written verification of (a) course completion (with a grade of at least B) and (b) full payment by the employee. If an employee resigns employment within twelve months of such reimbursement, the employee shall be responsible to repay the amount paid to them by the Town.



j. Group Medical Insurance

Starting July 1, 2009, the Town will contribute fifty percent (50%) of the cost of a medical indemnity plan or seventy-five percent [75%] of the cost of a Health Maintenance Organization plan.

#### SECTION 12. UNPAID LEAVES OF ABSENCE

a. A leave of absence without compensation may be granted by the Personnel Board.

**b. Leaves of absence of over three months' duration (except Military Leave) shall be deemed a break in employment, and on return to work the employee shall have the status of a new employee unless an extension of leave beyond three months was authorized by the Personnel Board.**

#### SECTION 13. TRANSITIONS BETWEEN FULL-TIME AND PART-TIME STATUS

a. A Part-Time employee shall be eligible for Full-Time status when the employee has worked 20 hours or more per week for a period of at least three consecutive months, subject to approval by the Department Head.

b. A Full-Time employee whose hours of employment total less than 20 hours per week for a period of more than three consecutive months shall thereafter be deemed a Part-Time employee.

#### SECTION 14. APPOINTMENT OF "ACTING" DEPARTMENT HEADS

a. In the absence or retirement of a Department Head for three consecutive weeks, the Board of Selectmen or appropriate board or commission may appoint an "Acting" Department Head to serve for a period of not more than three months. Such three-month period may be extended for up to three additional three-month periods, upon the approval of the Board of Selectmen or other appropriate board or commission for each such extension. In no case shall an appointment of an "Acting" Department Head exceed one year.

b. Duly appointed "Acting" employees shall be compensated at an additional 10% per week, payable retroactively only upon the conclusion of three consecutive weeks of service by the "Acting" employee. Such employees shall still be eligible for overtime pay when fulfilling regular duties from the previous job beyond normal working hours.

#### SECTION 15. PERSONNEL BOARD

a. There shall be a Personnel Board to administer the Salary Administration Plan and Personnel By-Laws. Said Board is to be appointed by the Town Moderator. The Board shall consist of five voters other than employees of the Town or those regularly serving the Town in any elective capacity. They shall serve without compensation.

b. Other than as may be needed to fill unexpected vacancies, appointments shall be for three years. The Moderator shall fill any vacancies. The Personnel Board may employ assistance and incur expenses as it deems necessary, subject to appropriation of funds thereof.

#### SECTION 16. DUTIES OF THE PERSONNEL BOARD

a. The Personnel Board shall administer the Salary Administration Plan and Personnel By-Laws and shall establish such policies, procedures and regulations as it deems necessary for the administration of the Plan.

b. The Board shall meet annually in July and organize by the choice of a Chair and Clerk. The Board shall meet at least monthly, except for the month of August. A majority of the Board shall constitute a quorum for the transaction of business. The votes of the majority of all the members of the Board shall be necessary on any

matter upon which it is authorized to or required to pass under the Salary Administration Plan and Personnel By-Laws.

c. The Personnel Board shall maintain records of all employees subject to this Plan as it deems desirable, including personnel evaluations. Such records are to be kept by the Assistant Town Administrator, under the direction of the Personnel Board. Department Heads shall furnish such information as requested by the Board.

d. The Personnel Board shall from time to time, but no less often than every federal Election Year, review the Classification Schedule, Salary Schedules, and administration policies of the Salary Administration Plan and Personnel By-Laws. It shall keep informed as to pay rates and policies outside the Town, and shall recommend to the Town any action that the Board deems desirable in that regard. The Personnel Board may tentatively add a new class to the Classification Schedule or reallocate an existing class to a different compensation grade, either higher or lower, subject to the subsequent ratification of its action by formal amendment of the Salary Administration Plan and Personnel By-Laws at the next Annual Town Meeting.

e. Between November and January of each fiscal year, the Personnel Board may vote an annual adjustment (but shall reserve the right to vote no adjustment) to the Classification Schedule and establish the effective rate for employees of each grade for the next fiscal year, subject to the subsequent ratification of its action by formal amendment of the Salary Administration Plan and Personnel By-Laws at the next Annual Town Meeting. The Personnel Board shall base any annual adjustments upon available relevant information.

f. Matters of concern by SAP employees that are communicated in writing to the Chair of the Personnel Board will be scheduled on an agenda at the next available meeting. In addition, notice in writing shall be forwarded to the concerned employee and respective Department Head within seven days of the Board's decision. Notwithstanding the foregoing, if the Personnel Board shall so request and the concerned employee and Department Head shall agree, a reasonable extension of these time periods may be granted.

g. Upon recommendation of a Department Head, supported by evidence in writing of special reasons and exceptional circumstances satisfactory to the Personnel Board, the Board may authorize variances in the Salary Administration Plan and Personnel By-Laws as it may deem necessary for the proper functioning of the services of the Town, and to effectuate the basic intent of the Plan.

## SECTION 17. EMPLOYEES AND THE PERSONNEL BOARD

a. All employees covered by this Salary Administration Plan shall have the right to request an appointment to confer with the Personnel Board on any matter of interest or concern to them that is covered by the Salary Administration Plan and Personnel By-Laws. The employee shall notify the Department Head in writing in advance of the desire to discuss the matter with the Board. One of the duties of the Board shall be to foster mutual understanding and good will with the personnel of the Town.

b. To facilitate this, if any employee should feel aggrieved by the operation of any provision of the Plan, the employee shall first discuss the matter with the Department Head, in a mutual effort to clear up any problems or misunderstanding.

c. If two weeks after such a conference a satisfactory understanding and solution of the problem has not been reached, then either the Department Head or the employee may take the matter to the Personnel Board, and the Board shall hear the parties not later than at its next regular meeting. There shall be no discrimination or prejudice by a Department Head against any employee who may take a matter to the Board.

## SECTION 18. AMENDMENT OF THE PLAN

The Salary Administration Plan and Personnel By-Laws may be amended in the same manner that Town By-Laws may be amended. However, no amendment to the Plan shall be made until it has been presented by a signed petition to, and acted upon by, the Personnel Board. Upon receipt of such a written petition, the Board, after giving the petitioner(s), the Department Head(s) and the affected employee(s) at least two weeks' written notice, shall hold a hearing to consider the proposed amendment. If the Personnel Board approves of any proposed

amendment, it shall bring it before the next available **Special or Annual** Town Meeting for its consideration. If the Personnel Board disapproves any proposed amendment or shall fail to act thereof within fifteen days after the hearing (which failure shall be deemed disapproval), the petitioner(s) may the present the petition to the next available Town Meeting for its consideration. The Board of its own motion, after a similar hearing and/or conference with parties interested, may propose an amendment to the Plan.

#### SECTION 19. SEVERABILITY PROVISION

In the event that any provision of this by-law, or application thereof, shall be held to be invalid by the proper authorities, this shall not be construed to affect the validity of any other provision, or application thereof, of this by-law.

#### SECTION 20: CLASSIFICATION SCHEDULE

##### SCHEDULE A: FULL-TIME SALARY GRADED POSITIONS

	Minimum	Midpoint	Maximum
1	\$35,000	\$40,250	\$45,550
2	\$37,625	\$43,269	\$48,913
3	\$40,447	\$46,514	\$52,581
4	\$45,000	\$52,875	\$60,750
5	\$48,375	\$56,841	\$65,306
6	\$52,003	\$61,104	\$70,204
7	\$62,500	\$75,000	\$87,500
8	\$73,438	\$88,125	\$102,813
9	\$86,289	\$103,547	\$120,805

POSITION TITLE	PAY GRADE
<b>DEPARTMENT HEADS &amp; MANAGEMENT STAFF</b>	
Director of Public Works	9
Finance Director – Treasurer-Collector	
Assistant Town Administrator	8
Director of Facilities	
Library Director	
Building Commissioner	
<b>IT Manager</b>	
Director, Youth & Family Services	7
Director, Council on Aging	
Principal Assessor	
Director of Recreation	
Town Accountant	
Town Planner	
<b>SUPERVISORS &amp; TECHNICAL STAFF</b>	
Assistant Town Clerk	6
Conservation Agent	
Assistant Director, Youth & Family Services	
Outreach Coordinator	
Business Administrator	5
Children's Librarian	
Staff Engineer	
Executive Assistant to the Board of Selectmen	
Program Coordinator	

Principal Department Assistant	4
Maintenance Supervisor	
Assistant Treasurer/Collector	
Assistant Town Accountant	

ADMINISTRATIVE & SUPPORT STAFF	
Administrative Assistant	3
Administrative Assistant II	
Senior Library Assistant	
Communications Officer	2
Library Assistant	
Maintenance Mechanic	
Maintenance Custodian	1

\*Increases in rates **exceeding the maximum** will be considered individually by the Personnel Board.

SCHEDULE B: [RESERVED FOR FUTURE USE]  
SCHEDULE C: PART-TIME HOURLY GRADED POSITIONS

Seasonal Laborer .....	1
Electrician .....	2
Seasonal Laborer II .....	2
Summer Program Assistant, Youth Commission .....	2
Election Worker (P.T.) .....	3
Page, Library .....	3
Election Warden (P.T.) .....	4
Clerk, Library .....	5
Library Custodian .....	5
Substitute Custodian .....	5
Receptionist .....	8
Secretary, Town Committee .....	8
Interim Public Safety Communications Officer .....	9
Part-Time Police Dispatcher .....	9
Technical Specialist .....	9
Administrative Assistant .....	10
Animal Control Officer .....	11
Business Assistant .....	11
Cable Access Facilitator .....	11
Economic Development Coordinator .....	11
Reserve Police Officer .....	11
Technical Specialist II .....	11
Tree Warden .....	11
Information Technology Coordinator .....	12
Interim Police Officer (Reserve) .....	12
Nurse .....	13
Electrician .....	13
Public Health Director .....	13

Police Lieutenant .....See Schedule G

\*While serving as an Interim Police Officer (Reserve), an employee will fall under Grade 12. After the interim designation has ended, the employee will revert to the Grade 11 classification.

Hourly Rates for Part-Time Positions

Grade	Minimum	Midpoint	Maximum
1	Min wage*	Midpoint	\$10.00
2	\$8.34	\$10.35	\$12.35
3	\$8.84	\$10.91	\$12.98
4	\$9.26	\$11.52	\$13.78
5	\$9.71	\$12.10	\$14.49
6	\$10.25	\$12.74	\$15.22
7	\$10.73	\$13.34	\$15.95
8	\$11.26	\$14.02	\$16.77
9	\$11.82	\$14.72	\$17.62
10	\$12.54	\$15.60	\$18.66
11	\$13.87	\$19.44	\$25.00
12	\$21.00	\$27.50	\$34.00
13	\$29.00	\$35.00	\$41.00

**\*Municipalities are subject to the federal minimum wage law, not the state law.**

SCHEDULE D: FIRE DEPT POSITIONS (not covered by Collective Bargaining Agreement)

<u>Grade</u>	<u>Proposed Pay Structure</u>	<u>Drills</u>	<u>Boxes</u>	<u>Signal 55</u>
1	Firefighter (Entry Level)	0.00	0.00	0.00
2	Firefighter I Certified	18.00	16.00	16.00
3	Firefighter I/II Certified	19.00	17.00	17.00
4	Firefighter I Certified/Operator	20.00	18.00	18.00
5	Firefighter I/II Certified/Operator	21.00	19.00	19.00
6	EMT (Entry Level)	0.00	0.00	0.00
7	EMT	18.00	16.00	16.00
8	EMT-I	20.00	18.00	18.00
9	Firefighter I Certified/EMT	20.00	18.00	18.00
10	Firefighter I/II Certified/EMT	21.00	19.00	19.00
11	Firefighter I Certified/Operator/EMT	22.00	20.00	20.00
12	Firefighter I/II Certified/Operator/EMT	23.00	21.00	21.00
13	Lieutenant	24.00	22.00	22.00
14	Lieutenant/EMT	26.00	24.00	24.00

Details. On any occasion that the Fire Chief determines that public safety is at risk (fire watches, pyrotechnic displays, pyrotechnic blasting for construction, etc.) and calls for a detail consisting of a Firefighter or Firefighters [not covered by any other collective bargaining agreement] to stand-by during any of these situations to monitor for fire, explosion, or any other possible hazard, the person or persons assigned to the detail will be compensated in the following manner:

\$46.00 per hour

SCHEDULE E: MISCELLANEOUS ANNUAL COMPENSATION SCHEDULE

Cemetery Agent .....	\$8,000
Clerk, Board of Registrars .....	\$1,638.33
Emergency Management Coordinator .....	\$2,000
Registrar of Voters.....	\$205.66
Town Counsel (not including fees) .....	\$1,704.33
Tree Warden .....	\$4,000
Veterans' Agent and Director of Veterans' Services .....	<b>\$15,000</b>
Website Administrator .....	\$5,000

**SCHEDULE F: FEE BASED COMPENSATION (Recreation Seasonal Personnel)**

Assistant Instructor .....	3
Camp Counselor 1 .....	1
Camp Counselor 2 .....	2
Lifeguard .....	5
Coordinator.....	6
Instructor I. ....	6
Monitors .....	6
Program Driver .....	6
Assistant Supervisor .....	9
Supervisor.....	11
Instructor II .....	12
Master Instructor .....	13
Seasonal Nurse .....	13

Classification grade is reflective of “Hourly Rates for Part-Time Positions” in this plan.

**SCHEDULE G: SPECIAL ADMINISTRATIVE AND SUPERVISORY POSITIONS**

Effective July 1, 2011, the Police Lieutenant would be classified under Schedule G. In addition to all the benefits provided employees under the SAP, he/she would be eligible for some additional benefits as provided members of Mass COP Local 167, the police union collective bargaining agreement.

As a result, a separate policy is adopted by the Southborough Board of Selectmen and enforced by the Southborough Police Department subject to change in conjunction with future collective bargaining agreements.

Police Lieutenant:

Minimum	Midpoint	Maximum*
62,668	72,992	83,316

\*Increases in salary for long term employees will be considered case by case by the Personnel Board.

**SCHEDULE H: COMMUNICATIONS OFFICERS**

The role and responsibilities of Communications Officer(s) for the Town are non-traditional, as staff members are expected to work odd hours, nights, weekends and holidays. They are also expected to wear prescribed clothing, as representatives of the Southborough Police and Fire Departments. The below listed items are allowances made for these requirements:

Shift differential:

Communications Officers are required to work 24/7 shifts. As a result, shift differential are paid hourly to scheduled employees for evening and midnight shifts.

Differential is set at:

4pm – 12 am	\$.50/hour
12am - 8 am	\$.60/hour

Clothing Allowance:

Communications Officers are expected to wear clothing as prescribed by the Police Chief. A clothing allowance of \$350 per year, paid through reimbursement as receipts are provided, will be allowable.

LONGEVITY SCHEDULE: Full-Time Employees of Town of Southborough – Compensated annually at Anniversary Date

After 5 years .....	\$400
After 10 years .....	\$600
After 15 years .....	\$700
After 20 years .....	\$850
After 25 years .....	\$1,000
After 30 years .....	\$1,200
After 40 years .....	\$1,500

, or do or act anything in relation thereto.

**Proposed by: PERSONNEL BOARD**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *The Personnel By-Law governs policies and pay structures for non-union employees. The changes are noted in **bold**.*

**MOTION MADE:** That the Town vote to approve changes to the Personnel Salary Administration Plan, as specified in Chapter 31 of the Code of the Town of Southborough, entitled: PERSONNEL, and insert in its place the changes as printed in the warrant. Changes are noted in **BOLD** in the warrant.

**FIRST AMENDMENT MADE:** That the main motion be amended to classify the positions of Principal Assessor and Town Accountant as Grade 8 under Section 20, Schedule A.

**FIRST AMENDMENT PASSED.**

**SECOND AMENDMENT MADE:** That the main motion be amended by striking out Section 7 d. in its entirety.

**SECOND AMENDMENT PASSED.**

**THIRD AMENDMENT MADE:** That the main motion be amended by striking out Section 12 b. in its entirety.

**THIRD AMENDMENT FAILED.**

**MAIN MOTION WITH AMENDMENTS PASSED.**

**ARTICLE 6:** To see if the Town will vote to approve funding for the economic cost items under M.G.L. Chapter 150E, Section 7 for any particular collective bargaining agreements reached before Town Meeting, or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation:** At Town Meeting

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *This article will fund costs associated with the first year of any contract agreed upon before Town Meeting commences with the DPW, Police, Communication Officers, and/or Fire Union.*

**MOTION MADE:** That pursuant to Mass. General Laws Chapter 150E Section 7 as amended, the Town vote to approve the economic terms of the collective bargaining agreement between the Town and **AFSCME Council 93** and to raise and appropriate \$17,303 for the purpose of funding the collective bargaining agreement; and further, pursuant to Mass. General Laws Chapter 150E Sections 7 as amended, the Town vote to approve the economic terms of the collective bargaining agreement between the Town and **Local 167, Massachusetts Coalition of Police** and to raise and appropriate \$39,356 for the purpose of funding the collective bargaining agreement.

**MOTION PASSED.**



**ARTICLE 7:** To see if the Town will vote to transfer a sum of money between and among various accounts for the fiscal year ending June 30, 2016, or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *This article is intended to address any unexpected or unusual funding needs for the current fiscal year via transfers between accounts.*

**MOTION MADE:** That the Town transfer the sum of \$47,540 between and among various accounts for the fiscal year ending June 30, 2016, as follows:

<b>FROM:</b>	<b>TO:</b>	<b>AMOUNT:</b>
Norfolk County Assessment 0100-5-305-000-56700	Algonquin Regional Assmt 0100-5-302-000-56700	\$33,540
Overlay Reserve	Assessors Comp Software 0100-5-141-000-52540	\$14,000

**MOTION PASSED.**

**ARTICLE 8:** To see if the Town will vote to raise a sum of money as may be necessary for the Town's use for Fiscal Year 2017, and make appropriations of the same, or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Summary:** *See budget report including Advisory Committee and Board of Selectmen's FY17 recommendations.*

**MOTION MADE:** That the Town vote to raise a sum of money not to exceed the sum of \$50,351,021 as may be necessary for the Town's use, and make appropriations of the same.

Transfer from the Cemetery Perpetual care	15,000
Transfer from Free Cash	1,155,194
Transfer from Overlay Reserve	156,000
Transfer from Ambulance Fund, Receipts Reserved (Fund 23)	366,440
Transfer from Aerial Ladder Donation Fund	32,000
Transfer from Septic Betterment Fund	63,123
Transfer from Premium Reserve	96
Transfer from Reserve SBAB Fund Balance	13,784
Transfer from Water Reserve	65,000

AND that the Balance of \$48,484,384 be raised and appropriated

**MOTION MADE:** To divide the question.

**MOTION PASSED.**

**MOTION MADE:** To take an umbrella vote on those budgets that do not have a hold on them. This one vote will have the effect of voting each question separately.

**MOTION PASSED.**

**MOTION MADE:** To pass all budgets that do not have a hold on them.

**MOTION PASSED.**

Budget Name	FY 2017 Request
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**General Government  
110-119 LEGISLATIVE**

**114 MODERATOR**

51000-51990 Personal Services	50
52000-58990 Other Charges and Expenses	25
<b>TOTAL</b>	<b>75</b>

**120-129 EXECUTIVE**

**121 ELECTED BOARD OF SELECTMEN**

51000-51990 Personal Services	4,000
<b>TOTAL</b>	<b>4,000</b>

**122 BOARD OF SELECTMEN**

51000-51990 Personal Services	352,120
52000-58990 Other Charges and Expenses	50,689
<b>TOTAL</b>	<b>402,809</b>

**130-149 FINANCIAL ADMINISTRATION**

**131 ADVISORY COMMITTEE**

52000-58990 Other Charges and Expenses	1,306
<b>ADVISORY COMMITTEE TOTAL</b>	<b>1,306</b>

**132 RESERVE FUND**

52000-58990 Other Charges and Expenses	150,000
<b>TOTAL</b>	<b>150,000</b>

**135 TOWN ACCOUNTANT**

51000-51990 Personal Services	141,906
52000-58990 Other Charges and Expenses	2,705
<b>TOTAL</b>	<b>144,611</b>

**136 AUDIT**

52000-58990 Other Charges and Expenses	24,700
<b>TOTAL</b>	<b>24,700</b>

**140 ELECTED BOARD OF ASSESSORS**

51000-51990 Personal Services	2,250
<b>TOTAL</b>	<b>2,250</b>

Budget Name	FY 2017 Request
<b>141 ASSESSORS</b>	
51000-51990 Personal Services	158,652
52000-58990 Other Charges and Expenses	33,640
<b>TOTAL</b>	<b>192,292</b>
<b>145 TREASURER/COLLECTOR</b>	
51000-51990 Personal Services	187,004
52000-58990 Other Charges and Expenses	9,985
<b>TOTAL</b>	<b>196,989</b>
<b>150-159 OPERATIONS SUPPORT</b>	
<b>151 LEGAL</b>	
52000-58990 Other Charges and Expenses	95,000
<b>TOTAL</b>	<b>95,000</b>
<b>152 PERSONNEL BOARD</b>	
51000-51990 Personal Services	5,000
52000-58990 Other Charges and Expenses	10,620
<b>TOTAL</b>	<b>15,620</b>
<b>153 SPECIAL LEGAL COUNSEL</b>	
52000-58990 Other Charges and Expenses	55,000
<b>TOTAL</b>	<b>55,000</b>
<b>155 MANAGEMENT INFORMATION SYSTEMS</b>	
51000-51990 Personal Services	90,000
52000-58990 Other Charges and Expenses	148,161
<b>TOTAL</b>	<b>238,161</b>
<b>159 OTHER OPERATION SUPPORT</b>	
52000-58990 Other Charges and Expenses	337,400
<b>TOTAL</b>	<b>337,400</b>
<b>160-169 LICENSING AND REGISTRATIONS</b>	
<b>160 ELECTED TOWN CLERK SALARY</b>	
51000-51990 Personal Services	50,284
<b>TOTAL</b>	<b>50,284</b>
<b>161 TOWN CLERK</b>	
51000-51990 Personal Services	122,473
52000-58990 Other Charges and Expenses	80,089
<b>TOTAL</b>	<b>202,562</b>
Town Clerk budget(161) & Election & Registration budget(162) are now combined into new Town Clerk budget(161).	

Budget Name	FY 2017 Request
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**AMENDMENT MADE:** That the Town amend Article 8, Budget 161 Town Clerk by deleting \$50,284, the Elected Town Clerk Salary amount from Personal Services line item and adding the amount of \$50,284 to a restored budget 160 Elected Town Clerk Personal Services line. The new total for budget 161 to be \$202,562 and the new total for budget 160 to be \$52,284.

**AMENDMENT PASSED.**

**BUDGET PASSED WITH AMENDMENT.**

#### **170-189 LAND USE AND DEVELOPMENT**

##### **171 CONSERVATION COMMISSION**

51000-51990 Personal Services	49,374
52000-58990 Other Charges and Expenses	10,775
<b>TOTAL</b>	<b>60,149</b>

##### **175 PLANNING BOARD**

51000-51990 Personal Services	133,987
52000-58990 Other Charges and Expenses	14,925
<b>TOTAL</b>	<b>148,912</b>

##### **176 ZONING BOARD OF APPEALS**

51000-51990 Personal Services	13,770
52000-58990 Other Charges and Expenses	3,650
<b>TOTAL</b>	<b>17,420</b>

##### **177 OPEN SPACE**

52000-58990 Other Charges and Expenses	1,500
<b>TOTAL</b>	<b>1,500</b>

##### **182 ECONOMIC DEVELOPMENT COMMITTEE**

51000-51990 Personal Services	20,544
52000-53990 Purchase of Services	15,165
<b>TOTAL</b>	<b>36,164</b>

#### **190-199 OTHER**

##### **192 PUBLIC BUILDINGS AND PROPERTIES MAINTENANCE**

51000-51990 Personal Services	328,110
52000-58990 Other Charges and Expenses	134,158
<b>TOTAL</b>	<b>462,268</b>

Budget Name	FY 2017 Request
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## 200-299 PUBLIC SAFETY

### 210 POLICE DEPARTMENT

51000-51990 Personal Services	1,715,776
52000-58990 Other Charges and Expenses	123,430
<b>TOTAL</b>	<b>1,839,206</b>

### 220 FIRE DEPARTMENT

51000-51990 Personal Services	1,805,866
52000-58990 Other Charges and Expenses	188,643
<b>TOTAL</b>	<b>1,994,509</b>

### 241 BUILDING DEPARTMENT

51000-51990 Personal Services	126,519
52000-58990 Other Charges and Expenses	10,575
<b>TOTAL</b>	<b>137,094</b>

### 291 CIVIL DEFENSE

51000-51990 Personal Services	2,926
52000-58990 Other Charges and Expenses	6,464
<b>TOTAL</b>	<b>9,390</b>

### 292 ANIMAL CONTROL OFFICER AND ANIMAL INSPECTOR

52000-58990 Other Charges and Expenses	28,212
<b>TOTAL</b>	<b>28,212</b>

## 400-499 PUBLIC WORKS & FACILITIES

### 400, 420 DEPT. OF PUBLIC WORKS

(Highway, Cemetery, Tree)

51000-51990 Personal Services	853,957
52000-58990 Other Charges and Expenses	1,206,840
<b>TOTAL</b>	<b>2,060,797</b>

### 450 DEPT. OF PUBLIC WORKS - WATER

51000-51990 Personal Services	336,106
52000-58990 Other Charges and Expenses	1,253,600
<b>TOTAL</b>	<b>1,589,706</b>

## 500-599 HUMAN SERVICES

### 510 ELECTED BOARD OF HEALTH

51000-51990 Personal Services	450
<b>TOTAL</b>	<b>450</b>

Budget Name	FY 2017 Request
<b>512 BOARD OF HEALTH</b>	
51000-51990 Personal Services	102,493
52000-58990 Other Charges and Expenses	49,988
<b>TOTAL</b>	<b>152,481</b>
<b>541 COUNCIL ON AGING</b>	
51000-51990 Personal Services	230,311
52000-58990 Other Charges and Expenses	58,135
<b>TOTAL</b>	<b>288,446</b>
<b>542 YOUTH COMMISSION</b>	
51000-51990 Personal Services	128,687
52000-58990 Other Charges and Expenses	16,000
<b>TOTAL</b>	<b>144,687</b>
<b>543 VETERANS' SERVICES</b>	
51000-51990 Personal Services	15,000
52000-58990 Other Charges and Expenses	35,975
<b>TOTAL</b>	<b>50,975</b>
<b>600-699 CULTURE &amp; RECREATION</b>	
<b>610 LIBRARY</b>	
51000-51990 Personal Services	361,125
52000-58990 Other Charges and Expenses	123,437
<b>TOTAL</b>	<b>484,562</b>
<b>630 RECREATION COMMISSION</b>	
51000-51990 Personal Services	120,590
52000-58990 Other Charges and Expenses	9,900
<b>TOTAL</b>	<b>130,490</b>
<b>691 HISTORICAL COMMISSION</b>	
52000-58990 Other Charges and Expenses	1,240
<b>TOTAL</b>	<b>1,240</b>
<b>692 MEMORIAL DAY</b>	
52000-58990 Other Charges and Expenses	2,950
<b>TOTAL</b>	<b>2,950</b>

Budget Name	FY 2017 Request
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## 700-799 DEBT SERVICE

### DEBT PRINCIPAL AND DEBT INTEREST

0100-710-59100 Principal General Fund	2,808,123
6161-710-59100 Principal Water Fund	290,000
0100-751-59150 Interest General Fund	400,981
6161-751-59150 Interest Water Fund	121,429
<b>TOTAL</b>	<b>3,620,533</b>

## 900-999 UNCLASSIFIED

### 910 EMPLOYEE BENEFITS

51700 Police/Fire Accident and Workers' Comp.	206,414
51710 Unemployment Payments	35,000
51720 Health Insurance	4,084,506
51730 Retirement Fund	1,535,911
51740 Life Insurance	5,012
51750 Flexible Spending Account	0
51770 Medicare	318,682
51780 Dental Insurance	201,566
51785 Medicare B Penalty	16,100
59660 Transfer to OPEB Trust	250,000
<b>TOTAL</b>	<b>6,653,191</b>

### 930 BUDGET CAPITAL

<i>DPW - Sweeper, Toolcat, Refurbishing</i>	295,000
<i>DPW - Water: Diesel Cab</i>	55,000
<i>Fire - Mobile Radios Communications Trailer</i>	16,440
<i>Fire - Jaws of Life</i>	25,000
<i>Fire - Command Vehicle</i>	50,000
<i>Assessors - Assessing Software</i>	25,000
<i>Police - Taser Replacement Plan</i>	1,440
<i>Police - Rifle Replacement</i>	15,530
<i>Board of Selectmen - Town House Copier</i>	
<i>10,000</i>	
52000-58990 Other Charges and Expenses	493,410
<b>TOTAL</b>	<b>493,410</b>

### 941 COURT JUDGEMENTS

57600 Court Judgements	220,000
<b>TOTAL</b>	<b>220,000</b>

### 945 LIABILITY INSURANCE

52000-58990 Other Charges and Expenses	231,431
<b>TOTAL</b>	<b>231,431</b>

Budget Name	FY 2017 Request
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### 300-399 EDUCATION

#### 300 ELECTED SCHOOL COMMITTEE

51000-51990 Personal Services	500
<b>TOTAL</b>	<b>500</b>

#### 301 SOUTHBOROUGH SCHOOLS

##### REGULAR DAY PROGRAMS

Administration	562,326
Instruction	10,353,163
Other Student Services	785,917
Operation and Maintenance Buildings	1,695,499
Fixed Charges	4,100
Acquisition and Improvement of Equipment	0
<b>TOTAL</b>	<b>13,401,005</b>

##### SPECIAL EDUCATION PROGRAMS - CHAPTER 766

Administration	17,800
Instruction	4,387,012
Other Student Services	692,000
Operation and Maintenance Buildings	7,000
Programs, Other Systems in Massachusetts	831,046
Programs, Member of Collaborative	66,000
<b>TOTAL</b>	<b>6,000,858</b>

#### TOTAL OPERATING BUDGET

**19,401,863**

Note: Advisory Committee recommendation at Town Meeting

#### 302 ALGONQUIN REGIONAL HIGH SCHOOL

##### REGULAR DAY PROGRAMS

Administration	615,887
Instruction	10,600,887
Other Student Services	1,889,703
Operation and Maintenance Buildings	1,795,817
Fixed Charges	3,390,748
New Equipment	97,410
Tuition, Other Public Schools	290,000
<b>TOTAL</b>	<b>18,680,452</b>

##### SPECIAL EDUCATION PROGRAMS - CHAPTER 766

Instruction	2,110,265
Other Student Services	221,489
Operation and Maintenance Buildings	2,000
Programs, Other Systems in Massachusetts	410,924
Programs, Member of Collaborative	62,795
<b>TOTAL</b>	<b>2,807,473</b>

#### TOTAL OPERATING BUDGET

**21,487,925**



Budget Name	FY 2017 Request		
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	NON EXEMPT	EXEMPT	TOTAL
<b>FY 2017 SOUTHBOROUGH ASSESSMENT</b>	<b>7,127,461</b>	<b>474,301</b>	<b>7,601,762</b>

Note: Advisory Committee recommendation at Town Meeting

### 304 ASSABET VALLEY REGIONAL TECHNICAL HIGH SCHOOL

Southborough Operating Assessment	279,270
Renovation Project - Capital Assessment	50,794
<b>SOUTHBOROUGH ASSESSMENT</b>	<b>330,064</b>

Note: Advisory Committee recommendation at Town Meeting

### 305 NORFOLK COUNTY AGRICULTURAL HIGH SCHOOL

Tuition/Transportation Assessment	43,600
<b>TOTAL</b>	<b>43,600</b>

Note: Advisory Committee recommendation at Town Meeting

**AMENDMENT MADE:** That the Town move to amend Department 930 – Budget Capital by reducing the bottom line number from \$521410 to \$493410 (a reduction of \$28,000.)

**AMENDMENT PASSED.**

**MAIN MOTION WITH AMENDMENT PASSED.**

**ARTICLE 9:** To see if the Town will vote to raise and appropriate, or transfer from available funds a sum of money for General Government capital items for the following purposes:

	DESCRIPTION	REQUEST	LEVY	WATER AND OTHER FUNDS
A.	Phone system (DPW, Cordaville Hall)	\$35,000.00	\$35,000.00	
B.	Road Maintenance	\$250,000.00	\$250,000.00	
C.	Police – Fingerprint Device	\$19,200.00	\$19,200.00	
D.	DPW – Mechanical/storage building	\$38,000.00	\$38,000.00	

, or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:**

*A. The DPW, Recreation and Cordaville Hall departments are using outdated phone systems. Phone system breakdowns are common and replacement equipment for the system is no longer available. The new system will be compatible with the new phone systems at the Town House and Fire and Police Stations.*

*B. This is the annual request for road maintenance in conjunction with Chapter 90 funding. The amount is slightly less than in past years, as we received more Chapter 90 money in FY16 than anticipated.*

*C. The new live scan fingerprint device for the Police Department will be digital and will replace the current unit purchased in 2006. The current unit is now not supported and replacement parts are unavailable.*

*D. This article will provide the funds for a metal building that will provide mechanic and storage space for the DPW. This is in anticipation of the Town having reduced space due to the planned elimination of the “Station 2” lot the Town wishes to dispose of. Should “Station 2” remain a Town property, the building in question will not be purchased.*

**MOTION MADE:** That the Town vote to raise and appropriate:

- \$35,000 for a phone system for Public Works and Cordaville Hall;
- \$250,000 for maintenance of Town roads
- \$19,200 for a new fingerprinting device for the Police Department;
- \$38,000 for a mechanical/storage building for Public Works;

**MOTION PASSED**

**ARTICLE 10:** To see if the Town will vote to borrow a sum of money for General Government capital items for the following purposes:

	DESCRIPTION	REQUEST	LEVY	WATER AND OTHER FUNDS
A.	DPW – Underground Fuel Tank Replacement	\$525,000.00	\$525,000.00	
B.	DPW – Water Main Cleaning and Lining	\$800,000.00		\$800,000.00

, or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:**

*A. This will fund the design and construction costs associated with replacing the Town's fuel station. Currently the DPW, Fire, Police, Facilities, Recreation and Building get fuel from one 12,000 gallon underground diesel fuel tank and one 12,000 gallon underground gasoline tank. Due to changes in fuel chemistry and environmental laws the Town would like to replace the two tanks with two smaller aboveground tanks. The Town will also replace the fuel pumps, canopy, fire suppression system and monitoring software.*

*B. This will fund the (replacement/cleaning and lining) of approximately 5000 feet of the 1931, 10-inch, cast iron, water main in Main Street. This work is outside of the Main Street Project and TIP funding because the Main Street Project is not affecting the water main. The replacement/cleaning and lining is a preventative measure/maintenance project. The bond will be paid back via Water funds.*

**MOTION MADE:** That the Town vote to raise by borrowing:

- \$525,000 for the replacement of the Public Works underground fuel storage tanks;
- \$800,000 for Public Works cleaning and lining of existing water mains, which shall be repaid, in the first instance, by the Water Fund, although any borrowing for this project shall, nevertheless, constitute a pledge of the Town's full faith and credit in accordance with the Massachusetts General Law.

Requires a 2/3 vote.

**MOTION PASSED UNANIMOUSLY.**

**ARTICLE 11:** To see if the Town will vote pursuant to Massachusetts General Laws, Chapter 44 § 53E ½ to authorize and/or reauthorize the use of a revolving fund for the following purposes:

1.	Immunization/emergency dispensing clinic and any declared emergency for the Board of Health to a maximum of \$12,000.
2.	Inspection services for the Sealer of Weights and Measures, Plumbing Inspector and Wiring Inspector for receipts to a maximum of \$100,000.
3.	Department of Public Works for 9-11 Field Maintenance and usage and DCR annual fee to a maximum of \$50,000.
4.	Local Wetland Filing fees for Conservation Commission departmental and consultant costs for review, issuance and monitoring of projects to a maximum of \$30,000.

5. Public Safety and Public Works departments for responding to incidents involving hazardous material to a maximum of \$75,000.
6. CPR classes by the Fire Department for the cost of running CPR classes to a maximum of \$6,500.
7. Conservation Commission for the cost of running the community garden to a maximum of \$1,500.
8. Recreation Commission for a portion of recreation program costs to a maximum of \$342,094.
9. Tobacco Control Program to allow the Board of Health to conduct periodic compliance checks with vendors to a maximum of \$4,000.
10. Technology fee from permits for the annual costs of municipal licensing/permitting software to a maximum of \$40,000.

, or do or act anything in relation thereto.

**Proposed by: BOARD OF HEALTH, BOARD OF SELECTMEN, RECREATION COMMISSION, AND CONSERVATION COMMISSION**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *This article which provides for revolving funds must be approved annually and will cover the costs of the programs as described above. There are no new revolving funds being proposed for FY17.*

**MOTION MADE:** That the Town vote, pursuant to Massachusetts General Laws, Chapter 44 § 53E ½, to authorize and/or re-authorize the use of a revolving fund for the following purposes:

1. Immunization/emergency dispensing clinic and any declared emergency for the Board of Health to a maximum of \$12,000.
2. Inspection services for the Sealer of Weights and Measures, Plumbing Inspector and Wiring Inspector for receipts to a maximum of \$100,000.
3. Department of Public Works for 9-11 Field Maintenance and usage and DCR annual fee to a maximum of \$50,000.
4. Local Wetland Filing fees for Conservation Commission departmental and consultant costs for review, issuance and monitoring of projects to a maximum of \$30,000.
5. Public Safety and Public Works departments for responding to incidents involving hazardous material to a maximum of \$75,000.
6. CPR classes by the Fire Department for the cost of running CPR classes to a maximum of \$6,500.
7. Conservation Commission for the cost of running the community garden to a maximum of \$1,500.
8. Recreation Commission for a portion of recreation program costs to a maximum of \$342,094.
9. Tobacco Control Program to allow the Board of Health to conduct periodic compliance checks with vendors to a maximum of \$4,000.
10. Technology fee from permits for the annual costs of municipal licensing/permitting software to a maximum of \$40,000.

**MOTION PASSED.**

**ARTICLE 12:** To see if the Town will vote to raise and appropriate, borrow and appropriate or transfer from available funds the sum of \$100,000 for the ongoing maintenance of capital equipment and systems associated with town buildings and facilities. The Town Facilities Manager shall recommend appropriate projects to the Town Administrator. The Town Administrator shall approve all expenditures under this article. The Town Facilities Manager shall report all funded projects to the Capital Budget and Advisory Committees as requested, or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *This article will provide for the maintenance and repair of capital equipment and systems associated with the Town's buildings and facilities.*  
Requires 2/3 vote.

**MOTION MADE:** That the Town vote to raise and appropriate \$100,000 for the ongoing maintenance of capital equipment and systems associated with town buildings and facilities. The Town Facilities Manager shall recommend appropriate projects to the Town Administrator. The Town Administrator shall approve all expenditures under this article. The Town Facilities Manager shall report all funded projects to the Capital Budget and Advisory Committees, as requested.

**MOTION PASSED.**

**Presentation made by Michael Weishan and Frederica Gillespie.**

**ARTICLE 13:** To see if the Town will vote to acquire by grant, conveyance or transfer from the 84 Main Street Southborough LLC, a Preservation Restriction for historical preservation purposes, pursuant to M.G.L. c.184, §§ 31-33, as amended, to be held under the custody and control of the Southborough Historical Commission, as agent for the Town, pursuant to M.G.L. c.40, § 8D on over and in a certain parcel of land located in the Town of Southborough consisting of approximately 4.994 acres being shown on Plan of Land entitled, "Easement Plan of Land 9 Parkerville Road & 84 Main Street in Southborough, Massachusetts (Worcester County) Estate of Elinor F. Garfield" dated May 4, 2010, prepared by Engineering Design Consulting Inc., scale 1"= 40' and recorded in the Worcester Registry of Deeds as Plan No. 78 in Plan Book 822. For Grantor's Title, see deed dated August 7, 2014 and recorded in said Registry of Deeds in Book 32671, Page 4. Said Preservation Restriction to be granted in perpetuity in consideration of the amount specified in Article 14, or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation:** At Town Meeting

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *This article would allow the Town to acquire a Preservation Restriction on 84 Main Street, also known as the Burnett House. Proposed by Southborough Historical Commission, the Restriction will permanently protect the landscape and exterior of the buildings on this historically significant property. The Preservation Restriction will be under care, control and management of the Southborough Historical Commission.*

**MOTION MADE:** That the Town vote to acquire by grant, conveyance or transfer from the 84 Main Street Southborough LLC, a Preservation Restriction for historical preservation purposes, pursuant to M.G.L. c.184, §§ 31-33, as amended, to be held under the custody and control of the Southborough Historical Commission, as agent for the Town, pursuant to M.G.L. c.40, § 8D on over and in a certain parcel of land located in the Town of Southborough consisting of approximately 4.994 acres being shown on Plan of Land entitled, "Easement Plan of Land 9 Parkerville Road & 84 Main Street in Southborough, Massachusetts (Worcester County) Estate of Elinor F. Garfield" dated May 4, 2010, prepared by Engineering Design Consulting Inc., scale 1"= 40' and recorded in the Worcester Registry of Deeds as Plan No. 78 in Plan Book 822. For Grantor's Title, see deed dated August 7, 2014 and recorded in said Registry of Deeds in Book 32671, Page 4. Said Preservation Restriction to be granted in perpetuity in consideration of the amount specified in Article 14.

**MOTION PASSED.**

**ARTICLE 14:** To see if the Town will vote, pursuant to Mass. General Laws in Chapter 44, as amended, or any other enabling authority, to borrow a sum of money not to exceed the amount of One Million Forty-Five Thousand (\$1,045,000.00) Dollars for a period of not less than ten (10) years nor more than twenty (20) years, for historic preservation, pursuant to Mass. General Laws Chapter 44B, so as to fund the purchase of a perpetual Preservation Restriction held under the custody and control of the Southborough Historical Commission on property located at 84 Main Street, Southborough including payment of all costs incidental or related thereto. Said funds to be expended under the direction of the Community Preservation Commission in conjunction with the Board of Selectmen. Said



\$ 18,497.00 to defray the administrative and operating expenses of the Community Preservation Committee in FY2017 for the Community Preservation Fund (discretionary)

**Set Aside - Budgeted Reserve/Discretionary**

\$ 88,758.00 Reserved for FY17 CPF (Undesignated Budgeted Reserve), or do or act anything in relation thereto.

**Proposed by: COMMUNITY PRESERVATION COMMITTEE**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *These set asides are an annual requirement under the Community Preservation Act.*

**MOTION MADE:** That the Town vote to accept the report of the Community Preservation Committee for the FY 2017 Community Preservation Projected Receipts and act upon the recommendations of the Community Preservation Committee and to set aside for later expenditure, certain sums of money from the Community Preservation Fund established pursuant to Chapter 44B of the General Laws, as printed in the warrant.

**MOTION PASSED.**

**ARTICLE 16:** To see if the Town will vote to appropriate \$ 188,700.00 (\$ 36,995.00 from the Open Space Reserve Fund, and \$ 151,705.00 from the CPA FY17 Receipts), to be applied to the Chestnut Hill Bond for the purpose of open space. Said funds to be expended under the direction of the Community Preservation Committee; or do or act anything in relation thereto.

**Proposed by: COMMUNITY PRESERVATION COMMITTEE**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *This article is the Community Preservation Fund's portion of the annual payment of the bond funding for the preservation of Chestnut Hill Farm.*

**MOTION MADE:** That the Town vote to appropriate \$36,995.00 from the CPA Open Space Reserve Fund and \$151,705 from the CPA FY17 Receipts, to be applied to the Chestnut Hill Bond for the purpose of open space. Said funds to be expended under the direction of the Community Preservation Committee.

**MOTION PASSED.**

**ARTICLE 17:** To see if the Town will vote to appropriate \$ 98,200.00 from the CPA General Unreserved Fund to fund; \$92,000.00 to fund the Fay Memorial Playground Restoration Project, and \$6,200.00 for the resurfacing of Tennis Courts. This is for the purpose of recreation as requested by the Southborough Recreation Department. Said funds to be expended under the direction of the Community Preservation Committee; or do or act anything in relation thereto.

**Proposed by: COMMUNITY PRESERVATION COMMITTEE**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *This article would fund the installation of new playground equipment at the Harold E. Fay Memorial Playground located on Central Street. This playground is one of the most popular and heavily used facilities in town. The structure is composed of pressure treated wood and is falling into disrepair due to lack of replacement parts and needs to be replaced. At 2016 Annual Town Meeting, the warrant article for the Tennis Courts Resurfacing Project had a printing error and was approved at \$62,000.00 when the CPC recommendation was for \$68,200.00. \$ 6,200.00 corrects the mistake so the project can move forward. Both projects will be overseen by Doreen Ferguson Director Recreation Department.*

**MOTION MADE:** That the Town vote to appropriate \$98,200.00 from the CPA General Unreserved Fund, of which \$92,000 is to fund the Fay Memorial Playground Restoration Project, and \$6,200 is to fund the resurfacing of Tennis Courts. Said funds are to be expended under the direction of the Community Preservation Committee.

**MOTION PASSED.**

**ARTICLE 18:** To see if the Town will vote to appropriate \$63,778. 00 from the CPA Historic Reserve Fund to fund the Restoration/Preservation of Historical permanent records of the Town of Southborough for the purpose of Historic Preservation as requested by James F. Hegarty, Town Clerk. Said funds to be expended under the direction of the Community Preservation Committee; or do or act anything in relation thereto.

**Proposed by: COMMUNITY PRESERVATION COMMITTEE**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *This article would fund a project for the Restoration/Preservation of Historical permanent records of the Town of Southborough as to be managed by Town Clerk James F. Hegarty.*

**MOTION MADE:** That the Town vote to appropriate \$63,778. 00 from the CPA Historic Reserve Fund to fund the Restoration/Preservation of Historical permanent records of the Town of Southborough for the purpose of Historic Preservation as requested by James F. Hegarty, Town Clerk. Said funds to be expended under the direction of the Community Preservation Committee.

**MOTION PASSED.**

At 10:13 pm, a motion was made to adjourn the Annual Town Meeting until Tuesday April 12, 2016 at 7:30 pm.

**MOTION PASSED UNANIMOUSLY.**

True Copy

Attest:

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James F. Hegarty, Town Clerk

<p><b><i>Annual Town Meeting Adjourned Session April 12, 2016</i></b></p>
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At the Adjourned Annual Town meeting, duly called and held in the P. Brent Trottier Middle School, Southborough, on Tuesday April 12, 2016 at 7:30 PM, the following ARTICLES were voted on in a legal manner. There was a quorum present (100 voters = quorum); 307 voters were present

**ARTICLE 19:** To see if the Town will vote to appropriate \$13,800.00 from the CPA Historic Reserve Fund to fund the Southborough Library Historical Material Archival Project for the purpose of Historic Preservation as requested by Ryan Donovan, Director, Southborough Library. Said funds to be expended under the direction of the Community Preservation Committee; or do or act anything in relation thereto.

**Proposed by: COMMUNITY PRESERVATION COMMITTEE**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *This article would fund a project for the professional evaluation of Historical Material in the Southborough Historical Society Museum to be managed by Ryan Donovan, Director, Southborough Library. Working together the Southborough Library and the Southborough Historical Society propose the Southborough*

*Library Historical Material Archival Project which will fund an evaluation of the material stored in the Southborough Historical Society Museum, and develop a plan by a preservationist for storage and display of the material.*

**MOTION MADE:** That the Town vote to appropriate \$13,800.00 from the CPA Historic Reserve Fund to fund the Southborough Library Historical Material Archival Project for the purpose of Historic Preservation as requested by Ryan Donovan, Director, Southborough Library. Said funds to be expended under the direction of the Community Preservation Committee.

**MOTION PASSED.**

**Presentation made by Brian Shea, member of the Board of Selectmen.**

**ARTICLE 20:** To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, donation, purchase or take by eminent domain, pursuant to Massachusetts General Laws, Chapter 79, as amended, certain permanent, temporary and aerial and drainage easements on, over and within certain parcels of land for the purpose of obtaining a secure and improved public right of way and access by widening and reconstructing of Main Street, Route 30, from Sears Road to Park Street.

Said acquisition of such easements comprising of 122 parcels of land located in the Town of Southborough is described as follows:

PARCEL NUMBER	OWNER	AREA OF EASEMENT	
		TYPE	AREA
E-1	MICHAEL A. SPATARO & SIMON N. MCRAE TRUST, now or formerly	PERM.	73 ±
TE-1	2 SEARS ROAD; ASSESSOR'S MAP 52 LOT 7	TEMP.	236 ±
TE-66	THOMAS W. & REGINA M. MANNIX, now or formerly	TEMP.	1970 ±
	1 SEARS ROAD; ASSESSOR'S MAP 53 LOT 6		
PUE-1	ROBERT NICOLS & DANE S. WORLEY, now or formerly	UTIL.	62 ±
TE-2	94 MAIN STREET; ASSESSOR'S MAP 53 LOT 5	TEMP.	4664 ±
E-26	CHARLES O. JR. & WENDY M. BLACK, now or formerly	PERM.	146 ±
TE-3	1 DEERFOOT ROAD; ASSESSOR'S MAP 53 LOT 5A	TEMP.	2160 ±
D-1	84 MAIN STREET SOUTHBOROUGH, LLC, now or formerly	DRAIN.	11261 ±
PUE-2	84 MAIN STREET; ASSESSOR'S MAP 53 LOT 1	UTIL.	95 ±
TE-4		TEMP.	813 ±
TE-61		TEMP.	943 ±
PUE-3	TIMOTHY J. NORTON & SHERRY COUNTRYMAN, now or formerly	UTIL.	100 ±
TE-5	65 MAIN STREET; ASSESSOR'S MAP 53 LOT 6B	TEMP.	478 ±
TE-62		TEMP.	758 ±
PUE-4	ERIC C. & AIMEE SIEGEL, now or formerly	UTIL.	538 ±
TE-6	61 MAIN STREET; ASSESSOR'S MAP 53 LOT 21	TEMP.	150 ±



TE-7	GEORGE ARTHUR FORSYTHE & DOROTHY ANNE HURD, now or formerly	TEMP.	2635 ±
	78 MAIN STREET; ASSESSOR'S MAP 53 LOT 18		
PUE-5	ALAN J. & WENDY SCOTT MCDONALD, now or formerly	UTIL.	276 ±
TE-8	59 MAIN STREET; ASSESSOR'S MAP 53 LOT 7	TEMP.	317 ±
PUE-6	ST. MARK'S SCHOOL, now or formerly	UTIL.	94 ±
TE-10	55 MAIN STREET; ASSESSOR'S MAP 53 LOT 8	TEMP.	365 ±
TE-11		TEMP.	286 ±
TE-9	FAY SCHOOL, INC.	TEMP.	1579 ±
	76 MAIN STREET; ASSESSOR'S MAP 53 LOT 19		
TE-54	FAY SCHOOL, INC.	TEMP.	1810 ±
	74 MAIN STREET; ASSESSOR'S MAP 53 LOT 20		
E-27	FAY SCHOOL, INC.	PERM.	208 ±
TE-55	70 MAIN STREET; ASSESSOR'S MAP 53 LOT 25	TEMP.	1253 ±
PUE-7	FAY SCHOOL, INC.	UTIL.	96 ±
PUE-8	66 MAIN STREET; ASSESSOR'S MAP 53 LOT 14	UTIL.	100 ±
PUE-9		UTIL.	86 ±
TE-56		TEMP.	1778 ±
TE-67		TEMP.	504 ±
TE-68		TEMP.	869 ±
TE-69		TEMP.	723 ±
TE-13	FAY SCHOOL, INC.	TEMP.	1777 ±
	56 MAIN STREET; ASSESSOR'S MAP 53 LOT 13		
E-2	FAY SCHOOL, INC.	PERM.	252 ±
TE-57	54 MAIN STREET; ASSESSOR'S MAP 53 LOT 12	TEMP.	1921 ±
E-3	FAY SCHOOL, INC.	PERM.	1788 ±
E-4	48 MAIN STREET; ASSESSOR'S MAP 53 LOT 11	PERM.	326 ±
E-5		PERM.	864 ±
E-28		PERM.	11 ±
TE-58		TEMP.	3268 ±
TE-59		TEMP.	4551 ±
E-23	FAY SCHOOL, INC.	PERM.	446 ±

TE-60	44 MAIN STREET; ASSESSOR'S MAP 54 LOT 2	TEMP.	1139 ±
PUE-22	ST. MARK'S SCHOOL	PERM.	215 ±
TE-12	30 MAIN STREET; ASSESSOR'S MAP 53 LOT 9	TEMP.	1466 ±
TE-70		TEMP.	1034 ±
PUE-23	FAY SCHOOL, INC.	PERM.	402 ±
TE-14	31 MAIN STREET; ASSESSOR'S MAP 53 LOT 10	TEMP.	1471 ±
E-29	ST. MARK'S CHURCH	PERM.	847 ±
PUE-10	27 MAIN STREET; ASSESSOR'S MAP 54 LOT 3	UTIL.	61 ±
PUE-24		UTIL.	312 ±
TE-16		TEMP.	989 ±
TE-63		TEMP.	1272 ±
E-6	TIMOTHY P. & VIRGINIA STONE, now or formerly	PERM.	488 ±
TE-18	42 MAIN STREET; ASSESSOR'S MAP 54 LOT 1	TEMP.	860 ±
TE-19	TOWN OF SOUTHBOROUGH	TEMP.	4007 ±
	17 COMMON STREET; ASSESSOR'S MAP 54 LOT 4		
E-21	PILGRIM CONGREGATIONAL CHURCH	PERM.	249 ±
TE-20	15 COMMON STREET; ASSESSOR'S MAP 54 LOT 5	TEMP.	331 ±
E-22	TOWN OF SOUTHBOROUGH	PERM.	692 ±
PUE-11	TOWN COMMON; ASSESSOR'S MAP 54 LOT 6	UTIL.	537 ±
TE-21		TEMP.	2907 ±
TE-64		TEMP.	5326 ±
TE-22	TOWN OF SOUTHBOROUGH OLD CEMETERY 1727	TEMP.	1064 ±
	ST MARK'S STREET; ASSESSOR'S MAP 54 LOT T		
TE-23	TOWN OF SOUTHBOROUGH LIBRARY	TEMP.	821 ±
TE-33	25 MAIN STREET;ASSESSOR'S MAP 54 LOT 7	TEMP.	2132 ±
E-7	DONALD C. & STEPHANIE MORRIS, now or formerly	PERM.	667 ±
TE-24	40 MAIN STREET; ASSESSOR'S MAP 54 LOT 11	TEMP.	2700 ±
E-8	STEPHEN D. & NANCY G. MORRIS, now or formerly	PERM.	104 ±
TE-25	36 MAIN STREET; ASSESSOR'S MAP 54 LOT 10	TEMP.	1067 ±
E-9	LEONORA A. & FRED B. WILLIAMS, now or formerly	PERM.	193 ±
TE-26	34 MAIN STREET; ASSESSOR'S MAP 54 LOT 9	TEMP.	911 ±

E-10	SOUTHBOROUGH HOUSING AUTHORITY	PERM.	72 ±
TE-27	1 CORDAVILLE ROAD; ASSESSOR'S MAP 54 LOT 25	TEMP.	394 ±
TE-28		TEMP.	1324 ±
E-13	ST MARK'S SCHOOL	PERM.	835 ±
TE-29	25 MARLBORO ROAD; ASSESSOR'S MAP 65 LOT 3	TEMP.	5994 ±
E-11	SOUTHBOROUGH VILLAGE SOCIETY	PERM.	910 ±
E-24	28 MAIN STREET; ASSESSOR'S MAP 58 LOT 2A	PERM.	263 ±
PUE-12		UTIL.	40 ±
PUE-13		UTIL.	41 ±
PUE-14		UTIL.	140 ±
TE-30		TEMP.	7284 ±
TE-31	CHRISTINE J. DONAHUE, now or formerly	TEMP.	1559 ±
	3 CORDAVILLE ROAD; ASSESSOR'S MAP 54 LOT 24		
TE-32	RAYMOND G. HULING, IV, now or formerly	TEMP.	864 ±
	5 CORDAVILLE ROAD; ASSESSOR'S MAP 54 LOT 23		
E-12	TOWN OF SOUTHBOROUGH WOODWARD SCHOOL	PERM.	237 ±
PUE-18	28 CORDAVILLE ROAD; ASSESSOR'S MAP 54 LOT 92	UTIL.	91 ±
TE-40		TEMP.	319 ±
TE-53		TEMP.	1960 ±
E-30	TOWN OF SOUTHBOROUGH PUBLIC SAFETY COMPLEX	PERM.	118±
TE-34	19 MAIN STREET; ASSESSOR'S MAP 54 LOT 26	TEMP.	2395 ±
PUE-15	STEPHEN G. & LAURIE D. PHILLIPS, now or formerly	UTIL.	256 ±
TE-35	26 MAIN STREET; ASSESSOR'S MAP 54 LOT 90	TEMP.	1782 ±
TE-36	BERNARD & SANDRA CAMPBELL, now or formerly	TEMP.	437 ±
	17 MAIN STREET; ASSESSOR'S MAP 54 LOT 27		
PUE-16	DONALD M. & ANN DANDO LEAVITT, now or formerly	UTIL.	145 ±
TE-37	24 MAIN STREET; ASSESSOR'S MAP 54 LOT 89	TEMP.	316 ±
TE-38	KRISTEN CONNELL, now or formerly	TEMP.	1214 ±
	15 MAIN STREET; ASSESSOR'S MAP 54 LOT 28		
PUE-17	DAVID W. PARRY, now or formerly	UTIL.	470 ±
TE-39	20-22 MAIN STREET; ASSESSOR'S MAP 54 LOT 88	TEMP.	708 ±

PUE-19	MARSTON & LOUISE F. CLOUGH, now or formerly	UTIL.	243 ±
TE-41	18 MAIN STREET; ASSESSOR'S MAP 54 LOT 87	TEMP.	323 ±
E-25	RICHARD A. HALLISEY LIMITED PARTNERSHIP, now or formerly	PERM.	159 ±
TE-42	11 MAIN STREET; ASSESSOR'S MAP 54 LOT 29	TEMP.	274 ±
TE-45		TEMP.	2243 ±
E-14	16 MAIN STREET REALTY TRUST, now or formerly	PERM.	23 ±
PUE-20	16 MAIN STREET; ASSESSOR'S MAP 54 LOT 86	UTIL.	425 ±
TE-43		TEMP.	1329 ±
E-15	JSO REALTY, LLC, now or formerly	PERM.	148 ±
TE-44	14 MAIN STREET; ASSESSOR'S MAP 54 LOT 85	TEMP.	1290 ±
E-16	RAYMOND D. & MICHELE A. HOKINSON, now or formerly	PERM.	34 ±
TE-46	12 MAIN STREET; ASSESSOR'S MAP 54 LOT 83	TEMP.	290 ±
E-17	RAYMOND D. & MICHELE A. HOKINSON, now or formerly	PERM.	158 ±
TE-47	10 MAIN STREET; ASSESSOR'S MAP 54 LOT 84	TEMP.	2151 ±
E-18	WARREN C. & LUCIA R. PROSPERI, now or formerly	PERM.	134 ±
PUE-21	8 MAIN STREET; ASSESSOR'S MAP 54 LOT 70	UTIL.	54 ±
TE-48		TEMP.	465 ±
E-19	9 MAIN STREET, LLC, now or formerly	PERM.	392 ±
TE-49	9 MAIN STREET; ASSESSOR'S MAP 54 LOT 39	TEMP.	3062 ±
TE-51	MASSACHUSETTS ELECTRIC COMPANY	TEMP.	975 ±
	MAIN STREET; ASSESSOR'S MAP 54 LOT 40		
E-20	THE HOUSE OF SOUTHBORO TRUST, now or formerly	PERM.	97 ±
TE-50	6 MAIN STREET; ASSESSOR'S MAP 54 LOT 65	TEMP.	1102 ±
TE-52	OLD FIRE STATION, LLC, now or formerly	TEMP.	504 ±
	5 MAIN STREET; ASSESSOR'S MAP 54 LOT 41		

Said parcels being shown on Plan entitled, Massachusetts Department of Transportation Highway Division Preliminary Right of Way Plans Main Street (Route 30) in the Town of Southborough, Worcester County dated February 29, 2016" prepared by Vanasse Hangen Brustlin Inc. A copy of said Plan being on file with the Town Clerk's office.

And further authorize the Board of Selectmen to have full and exclusive power and authority to defend, settle, compromise, make agreement and order payments of any and all claims, suits and actions which may exist or arise

from or on account of the acquisition by gift, purchase or taking by eminent domain, the propriety interests specified herein, or any modifications thereof, and as shown on said plans including structures and trees thereon if any.

To carry out the provisions of this Article, Chapter 90 funds already available will be utilized, or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *This article allows the Selectmen to accept as gifts, or to negotiate, temporary and permanent easements for use on the Main Street Reconstruction Project. Securing easements will be done in accordance with the MassDOT's rules which include compliance with the Federal Aid Acquisition Guide for Property Owners, posted on the Town's website. Appraisals will be developed and reviewed by MassDOT approved appraisers, on each parcel.*

**MOTION MADE:** That the Town vote to authorize the Board of Selectmen to acquire by gift, donation, purchase or take by eminent domain, pursuant to Massachusetts General Laws, Chapter 79, as amended, certain permanent, temporary and aerial and drainage easements on, over and within certain parcels of land for the purpose of obtaining a secure and improved public right of way and access by widening and reconstructing of Main Street, Route 30, from Sears Road to Park Street.

Said acquisition of such easements comprising of 122 parcels of land located in the Town of Southborough is described as follows:

PARCEL NUMBER	OWNER	AREA OF EASEMENT	
		TYPE	AREA
E-1	MICHAEL A. SPATARO & SIMON N. MCRAE TRUST, now or formerly	PERM.	73 ±
TE-1	2 SEARS ROAD; ASSESSOR'S MAP 52 LOT 7	TEMP.	236 ±
TE-66	THOMAS W. & REGINA M. MANNIX, now or formerly	TEMP.	1970 ±
	1 SEARS ROAD; ASSESSOR'S MAP 53 LOT 6		
PUE-1	ROBERT NICOLS & DANE S. WORLEY, now or formerly	UTIL.	62 ±
TE-2	94 MAIN STREET; ASSESSOR'S MAP 53 LOT 5	TEMP.	4664 ±
E-26	CHARLES O. JR. & WENDY M. BLACK, now or formerly	PERM.	146 ±
TE-3	1 DEERFOOT ROAD; ASSESSOR'S MAP 53 LOT 5A	TEMP.	2160 ±
D-1	84 MAIN STREET SOUTHBOROUGH, LLC, now or formerly	DRAIN.	11261 ±
PUE-2	84 MAIN STREET; ASSESSOR'S MAP 53 LOT 1	UTIL.	95 ±
TE-4		TEMP.	813 ±
TE-61		TEMP.	943 ±
PUE-3	TIMOTHY J. NORTON & SHERRY COUNTRYMAN, now or formerly	UTIL.	100 ±
TE-5	65 MAIN STREET; ASSESSOR'S MAP 53 LOT 6B	TEMP.	478 ±
TE-62		TEMP.	758 ±

PUE-4	ERIC C. & AIMEE SIEGEL, now or formerly	UTIL.	538 ±
TE-6	61 MAIN STREET; ASSESSOR'S MAP 53 LOT 21	TEMP.	150 ±
TE-7	GEORGE ARTHUR FORSYTHE & DOROTHY ANNE HURD, now or formerly	TEMP.	2635 ±
	78 MAIN STREET; ASSESSOR'S MAP 53 LOT 18		
PUE-5	ALAN J. & WENDY SCOTT MCDONALD, now or formerly	UTIL.	276 ±
TE-8	59 MAIN STREET; ASSESSOR'S MAP 53 LOT 7	TEMP.	317 ±
PUE-6	ST. MARK'S SCHOOL, now or formerly	UTIL.	94 ±
TE-10	55 MAIN STREET; ASSESSOR'S MAP 53 LOT 8	TEMP.	365 ±
TE-11		TEMP.	286 ±
TE-9	FAY SCHOOL, INC.	TEMP.	1579 ±
	76 MAIN STREET; ASSESSOR'S MAP 53 LOT 19		
TE-54	FAY SCHOOL, INC.	TEMP.	1810 ±
	74 MAIN STREET; ASSESSOR'S MAP 53 LOT 20		
E-27	FAY SCHOOL, INC.	PERM.	208 ±
TE-55	70 MAIN STREET; ASSESSOR'S MAP 53 LOT 25	TEMP.	1253 ±
PUE-7	FAY SCHOOL, INC.	UTIL.	96 ±
PUE-8	66 MAIN STREET; ASSESSOR'S MAP 53 LOT 14	UTIL.	100 ±
PUE-9		UTIL.	86 ±
TE-56		TEMP.	1778 ±
TE-67		TEMP.	504 ±
TE-68		TEMP.	869 ±
TE-69		TEMP.	723 ±
TE-13	FAY SCHOOL, INC.	TEMP.	1777 ±
	56 MAIN STREET; ASSESSOR'S MAP 53 LOT 13		
E-2	FAY SCHOOL, INC.	PERM.	252 ±
TE-57	54 MAIN STREET; ASSESSOR'S MAP 53 LOT 12	TEMP.	1921 ±
E-3	FAY SCHOOL, INC.	PERM.	1788 ±
E-4	48 MAIN STREET; ASSESSOR'S MAP 53 LOT 11	PERM.	326 ±
E-5		PERM.	864 ±
E-28		PERM.	11 ±
TE-58		TEMP.	3268 ±

TE-59		TEMP.	4551 ±
E-23	FAY SCHOOL, INC.	PERM.	446 ±
TE-60	44 MAIN STREET; ASSESSOR'S MAP 54 LOT 2	TEMP.	1139 ±
PUE-22	ST. MARK'S SCHOOL	PERM.	215 ±
TE-12	30 MAIN STREET; ASSESSOR'S MAP 53 LOT 9	TEMP.	1466 ±
TE-70		TEMP.	1034 ±
PUE-23	FAY SCHOOL, INC.	PERM.	402 ±
TE-14	31 MAIN STREET; ASSESSOR'S MAP 53 LOT 10	TEMP.	1471 ±
E-29	ST. MARK'S CHURCH	PERM.	847 ±
PUE-10	27 MAIN STREET; ASSESSOR'S MAP 54 LOT 3	UTIL.	61 ±
PUE-24		UTIL.	312 ±
TE-16		TEMP.	989 ±
TE-63		TEMP.	1272 ±
E-6	TIMOTHY P. & VIRGINIA STONE, now or formerly	PERM.	488 ±
TE-18	42 MAIN STREET; ASSESSOR'S MAP 54 LOT 1	TEMP.	860 ±
TE-19	TOWN OF SOUTHBOROUGH	TEMP.	4007 ±
	17 COMMON STREET; ASSESSOR'S MAP 54 LOT 4		
E-21	PILGRIM CONGREGATIONAL CHURCH	PERM.	249 ±
TE-20	15 COMMON STREET; ASSESSOR'S MAP 54 LOT 5	TEMP.	331 ±
E-22	TOWN OF SOUTHBOROUGH	PERM.	692 ±
PUE-11	TOWN COMMON; ASSESSOR'S MAP 54 LOT 6	UTIL.	537 ±
TE-21		TEMP.	2907 ±
TE-64		TEMP.	5326 ±
TE-22	TOWN OF SOUTHBOROUGH OLD CEMETERY 1727	TEMP.	1064 ±
	ST MARK'S STREET; ASSESSOR'S MAP 54 LOT T		
TE-23	TOWN OF SOUTHBOROUGH LIBRARY	TEMP.	821 ±
TE-33	25 MAIN STREET;ASSESSOR'S MAP 54 LOT 7	TEMP.	2132 ±
E-7	DONALD C. & STEPHANIE MORRIS, now or formerly	PERM.	667 ±
TE-24	40 MAIN STREET; ASSESSOR'S MAP 54 LOT 11	TEMP.	2700 ±
E-8	STEPHEN D. & NANCY G. MORRIS, now or formerly	PERM.	104 ±
TE-25	36 MAIN STREET; ASSESSOR'S MAP 54 LOT 10	TEMP.	1067 ±

E-9	LEONORA A. & FRED B. WILLIAMS, now or formerly	PERM.	193 ±
TE-26	34 MAIN STREET; ASSESSOR'S MAP 54 LOT 9	TEMP.	911 ±
E-10	SOUTHBOROUGH HOUSING AUTHORITY	PERM.	72 ±
TE-27	1 CORDAVILLE ROAD; ASSESSOR'S MAP 54 LOT 25	TEMP.	394 ±
TE-28		TEMP.	1324 ±
E-13	ST MARK'S SCHOOL	PERM.	835 ±
TE-29	25 MARLBORO ROAD; ASSESSOR'S MAP 65 LOT 3	TEMP.	5994 ±
E-11	SOUTHBOROUGH VILLAGE SOCIETY	PERM.	910 ±
E-24	28 MAIN STREET; ASSESSOR'S MAP 58 LOT 2A	PERM.	263 ±
PUE-12		UTIL.	40 ±
PUE-13		UTIL.	41 ±
PUE-14		UTIL.	140 ±
TE-30		TEMP.	7284 ±
TE-31	CHRISTINE J. DONAHUE, now or formerly	TEMP.	1559 ±
	3 CORDAVILLE ROAD; ASSESSOR'S MAP 54 LOT 24		
TE-32	RAYMOND G. HULING, IV, now or formerly	TEMP.	864 ±
	5 CORDAVILLE ROAD; ASSESSOR'S MAP 54 LOT 23		
E-12	TOWN OF SOUTHBOROUGH WOODWARD SCHOOL	PERM.	237 ±
PUE-18	28 CORDAVILLE ROAD; ASSESSOR'S MAP 54 LOT 92	UTIL.	91 ±
TE-40		TEMP.	319 ±
TE-53		TEMP.	1960 ±
E-30	TOWN OF SOUTHBOROUGH PUBLIC SAFETY COMPLEX	PERM.	118±
TE-34	19 MAIN STREET; ASSESSOR'S MAP 54 LOT 26	TEMP.	2395 ±
PUE-15	STEPHEN G. & LAURIE D. PHILLIPS, now or formerly	UTIL.	256 ±
TE-35	26 MAIN STREET; ASSESSOR'S MAP 54 LOT 90	TEMP.	1782 ±
TE-36	BERNARD & SANDRA CAMPBELL, now or formerly	TEMP.	437 ±
	17 MAIN STREET; ASSESSOR'S MAP 54 LOT 27		
PUE-16	DONALD M. & ANN DANDO LEAVITT, now or formerly	UTIL.	145 ±
TE-37	24 MAIN STREET; ASSESSOR'S MAP 54 LOT 89	TEMP.	316 ±
TE-38	KRISTEN CONNELL, now or formerly	TEMP.	1214 ±
	15 MAIN STREET; ASSESSOR'S MAP 54 LOT 28		



PUE-17	DAVID W. PARRY, now or formerly	UTIL.	470 ±
TE-39	20-22 MAIN STREET; ASSESSOR'S MAP 54 LOT 88	TEMP.	708 ±
PUE-19	MARSTON & LOUISE F. CLOUGH, now or formerly	UTIL.	243 ±
TE-41	18 MAIN STREET; ASSESSOR'S MAP 54 LOT 87	TEMP.	323 ±
E-25	RICHARD A. HALLISEY LIMITED PARTNERSHIP, now or formerly	PERM.	159 ±
TE-42	11 MAIN STREET; ASSESSOR'S MAP 54 LOT 29	TEMP.	274 ±
TE-45		TEMP.	2243 ±
E-14	16 MAIN STREET REALTY TRUST, now or formerly	PERM.	23 ±
PUE-20	16 MAIN STREET; ASSESSOR'S MAP 54 LOT 86	UTIL.	425 ±
TE-43		TEMP.	1329 ±
E-15	JSO REALTY, LLC, now or formerly	PERM.	148 ±
TE-44	14 MAIN STREET; ASSESSOR'S MAP 54 LOT 85	TEMP.	1290 ±
E-16	RAYMOND D. & MICHELE A. HOKINSON, now or formerly	PERM.	34 ±
TE-46	12 MAIN STREET; ASSESSOR'S MAP 54 LOT 83	TEMP.	290 ±
E-17	RAYMOND D. & MICHELE A. HOKINSON, now or formerly	PERM.	158 ±
TE-47	10 MAIN STREET; ASSESSOR'S MAP 54 LOT 84	TEMP.	2151 ±
E-18	WARREN C. & LUCIA R. PROSPERI, now or formerly	PERM.	134 ±
PUE-21	8 MAIN STREET; ASSESSOR'S MAP 54 LOT 70	UTIL.	54 ±
TE-48		TEMP.	465 ±
E-19	9 MAIN STREET, LLC, now or formerly	PERM.	392 ±
TE-49	9 MAIN STREET; ASSESSOR'S MAP 54 LOT 39	TEMP.	3062 ±
TE-51	MASSACHUSETTS ELECTRIC COMPANY	TEMP.	975 ±
	MAIN STREET; ASSESSOR'S MAP 54 LOT 40		
E-20	THE HOUSE OF SOUTHBORO TRUST, now or formerly	PERM.	97 ±
TE-50	6 MAIN STREET; ASSESSOR'S MAP 54 LOT 65	TEMP.	1102 ±
TE-52	OLD FIRE STATION, LLC, now or formerly	TEMP.	504 ±
	5 MAIN STREET; ASSESSOR'S MAP 54 LOT 41		

Said parcels being shown on Plan entitled, Massachusetts Department of Transportation Highway Division Preliminary Right of Way Plans Main Street (Route 30) in the Town of Southborough, Worcester County dated February 29, 2016” prepared by Vanasse Hangen Brustlin Inc. A copy of said Plan being on file with the Town Clerk’s office.

And further authorize the Board of Selectmen to have full and exclusive power and authority to defend, settle, compromise, make agreement and order payments of any and all claims, suits and actions which may exist or arise from or on account of the acquisition by gift, purchase or taking by eminent domain, the propriety interests specified herein, or any modifications thereof, and as shown on said plans including structures and trees thereon if any.

To carry out the provisions of this Article, Chapter 90 funds already available will be utilized.

Requires a 2/3 vote.

**AMENDMENT MADE:** That the Town amend Article 20 by striking the words by eminent domain in the first paragraph, second sentence, or taking by eminent domain.”

**AMENDMENT FAILED.**

**MAIN MOTION FAILED.**

**ARTICLE 21:** To see if the Town will vote to accept as a water easement land at 70 and 72 Turnpike Road, from Gloria Aspesi, on land between the State right-of-way and a line labelled as “approximate limits of disturbance (LOD)” on the plan entitled “Figure 1” prepared by Pare Corporation dated October 2015, said plan being on file with the Town Clerk’s Office, or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *This easement was needed in order to replace the 1931 Route 9 cast iron water main out of the travelled ways on Route 9.*

**MOTION MADE:** That the Town vote to accept as a water easement land at 70 and 72 Turnpike Road, from Gloria Aspesi, on land between the State right-of-way and a line labelled as “approximate limits of disturbance (LOD)” on the plan entitled “Figure 1” prepared by Pare Corporation dated October 2015, said plan being on file with the Town Clerk’s Office.

**MOTION PASSED.**

**MOTION MADE TO RECONSIDER ARTICLE 20.**

**MOTION FAILED.**

**ARTICLE 22:** To see if the Town will vote to authorize the Board of Selectmen to grant a sewer easement over a discontinued section of Washington Street, shown as a 30’ wide utility easement on a plan entitled “Easement Plan Prepared by Beals and Thomas dated December 7, 2015”. A copy of said Plan being on file with the Town Clerk’s office and that the Board of Selectmen be further authorized to negotiate a price for the conveyance of said Easement, or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *Washington Street was relocated and the section that intersected with Route 9 was discontinued. There is infrastructure work being constructed on Coslin Drive and Crystal Pond Road to prepare the area for development. As part of these infrastructure improvements, a sewer main will be running to the site along the southern side of Route 9. The sewer main crosses the abandoned piece of Washington Street.*

**MOTION MADE:** That the Town vote to authorize the Board of Selectmen to grant a sewer easement over a discontinued section of Washington Street, shown as a 30' wide utility easement on a plan entitled "Easement Plan Prepared by Beals and Thomas dated December 7, 2015". A copy of said Plan being on file with the Town Clerk's office and that the Board of Selectmen be further authorized to negotiate a price for the conveyance of said Easement.

Requires a 2/3 vote.

**MOTION PASSED.**

**ARTICLE 23:** To see if the Town will vote to initiate the process to aggregate electrical load, pursuant to M.G.L. c. 164, § 134, and further, to adopt the following resolution:

Whereas, the Commonwealth of Massachusetts is engaged in a process to establish a competitive market place through deregulation and restructuring of the electric utility industry;

Whereas, citizens of Southborough have a substantial economic and social interest at stake, and;

Whereas the Town of Southborough hereby finds that it may be in the interest of the electric ratepayers, both residential and commercial/industrial, to enter into an aggregation agreement,

Be it therefore resolved that the Town of Southborough hereby:

Publicly declares its intent to become an aggregator of electric power on behalf of its residential and business communities, and;

Will negotiate and enter into a contract for power supply independently. If such a contract is affected, individual consumers would retain the option not to participate and to choose any alternatives they desire, or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *The Board of Selectmen has issued an RFQ to engage a consultant, at no cost to the Town, to assist the Town through the approval process with the Department of Public Utilities and the local utilities to allow the Town to aggregate its electrical load. Aggregation will allow the Town to purchase electricity on behalf of the entire Town, with the goal being to obtain a lower rate than residents could receive on their own through competitive supply contracts. Residents who do not want to participate can easily opt-out of the process and remain with local carriers such as National Grid. Town Meeting acceptance of the MGL is required in order for the Town to proceed with the approval process.*

**MOTION MADE:** That the Town vote to initiate the process to aggregate electrical load, pursuant to M.G.L. c. 164, § 134, and further, to adopt the following resolution:

Whereas, the Commonwealth of Massachusetts is engaged in a process to establish a competitive market place through deregulation and restructuring of the electric utility industry;

Whereas, citizens of Southborough have a substantial economic and social interest at stake, and;

Whereas the Town of Southborough hereby finds that it may be in the interest of the electric ratepayers, both residential and commercial/industrial, to enter into an aggregation agreement,

Be it therefore resolved that the Town of Southborough hereby:

Publicly declares its intent to become an aggregator of electric power on behalf of its residential and business communities, and;

Will negotiate and enter into a contract for power supply independently. If such a contract is affected, individual consumers would retain the option not to participate and to choose any alternatives they desire, or do or act anything in relation thereto.

**MOTION PASSED.**

**ARTICLE 24:** To see if the Town will vote to accept as a public way William Colleary Lane as described on a plan entitled "Roadway Acceptance of William Colleary Lane in Southborough, MA", prepared by Connorstone Consulting Civil Engineers and Land Surveyors, 10 Southwest Cutoff, Suite 7, Northborough, Massachusetts 01532, dated September 25, 2015. A copy of said plan is on file with the Board of Selectmen's office and the Town Clerk's office, or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation:** At Town Meeting

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *This article will allow the Town to accept William Colleary Lane as a public way; its construction and subsequent maintenance complies with the Town's rules and regulations and as such may now be accepted as a permanent public way in the Town.*

**MOTION MADE:** That the Town vote to vote to accept as a public way William Colleary Lane as described on a plan entitled "Roadway Acceptance of William Colleary Lane in Southborough, MA", prepared by Connorstone Consulting Civil Engineers and Land Surveyors, 10 Southwest Cutoff, Suite 7, Northborough, Massachusetts 01532, dated September 25, 2015. A copy of said plan is on file with the Board of Selectmen's office and the Town Clerk's office.

**MOTION PASSED.**

**ARTICLE 25:** To see if the Town will vote to accept as a public way Foxhill Drive as described on a Plan entitled "Street Acceptance Plan of Land of Foxhill Drive in Southborough, Massachusetts (Worcester County)", prepared by Engineering Design Consultants, Inc., 32 Turnpike Road, Southborough, Massachusetts, scale 1" =40', dated November 2, 2015 (revised February 3, 2016) together with a deed of conveyance of such Street and drainage easements and a water easement all as shown on the Plan. A copy of said Plan is on file with the Board of Selectmen's office and the Town Clerk's office, or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *This article will allow the Town to accept Foxhill Drive as a public way; its construction and subsequent maintenance complies with the Town's rules and regulations and as such may now be accepted as a permanent public way in the Town.*

**MOTION MADE:** That the Town vote to accept as a public way Foxhill Drive as described on a Plan entitled "Street Acceptance Plan of Land of Foxhill Drive in Southborough, Massachusetts (Worcester County)", prepared by Engineering Design Consultants, Inc., 32 Turnpike Road, Southborough, Massachusetts, scale 1" =40', dated November 2, 2015 (revised February 3, 2016) together with a deed of conveyance of such Street and drainage easements and a water easement all as shown on the Plan. A copy of said Plan is on file with the Board of Selectmen's office and the Town Clerk's office.

**MOTION PASSED.**

**ARTICLE 26:** To see if the Town will vote to accept an open space parcel, approximately 7.57+/- acres, as shown on a plan of land entitled "Definitive Flexible Subdivision Plan of Killam Farm Plan of Land in Southborough, Massachusetts by Sullivan, Connors & Associates Dated November 11, 1998, revised March 15, 1999 and recorded with the Worcester District Registry of Deeds in Plan Book 739, Plan 64 together with perpetual rights and easements in and over those portions of Lots 6 & 7 as shown on a plan of land entitled "A Plan of Land in

Southborough, Massachusetts Owners: Albert E. & Helen O. Killam 43 Richards Road Southborough, MA 01772 and George F. Killam 62 Richards Road, Southborough, MA 01772 by Sullivan, Connors & Associates dated November 30, 1998, and recorded with the Worcester District Registry of Deeds in Plan Book 738, Plan 111 as a 12 foot wide right of way easement, or do or act anything in relation thereto.

**Proposed by: PLANNING BOARD**

**Board of Selectmen Recommendation:** At Town Meeting

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *Per both the Definitive Subdivision and Special Permit approvals dated February 23, 1999, this 7.57+/- acres of open space is to be deeded to the Town as permanent open space. The warrant article is the final step in Town acceptance and ownership of the open space.*

**MOTION MADE TO INDEFINITELY POSTPONE ARTICLE 26.**

**MOTION PASSED.**

**MOTION MADE TO BRING ARTICLE 28 FORWARD.**

**MOTION PASSED.**

**Presentation by Carl Guyer, Chairman of the Green Technology and Recycling Committees.**

**ARTICLE 28:** To see if the Town will vote to accept 780 CMR 115.AA (MA Board of Building Regulations and Standards Stretch Energy Code), or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *This is a requirement of becoming a Green Community, as designated by the Commonwealth. It is anticipated that the new version of the building code slated for release in the summer of 2016 will incorporate the majority of these requirements. Despite that fact, the Commonwealth still requires acceptance of the CMR in order to become a Green Community and be eligible for grant funding.*

**MOTION MADE:** That the Town vote to accept Appendix 115.AA of the Massachusetts Building Code, 780 CMR, the Stretch Energy Code, including future editions, amendments or modifications thereto, for the purpose of regulating the design and construction of buildings for the effective use of energy, with an effective date of January 1, 2017, a copy of which is on file with the Town Clerk.

That the Town vote to accept 780 CMR 115.AA (MA Board of Building Regulations and Standards Stretch Energy Code).

Requires a 2/3 vote.

**MOTION PASSED.**

**ARTICLE 27:** To see if the Town will vote to amend Article III of the Zoning Bylaw by adding thereto a new Section 174-13.7 entitled *As of Right Commercial Large Scale Ground Mounted Solar Energy Systems*.

A.

Purpose and intent.

(1)

The purpose of this bylaw is to provide a permitting process and standards for the creation of new commercial solar energy systems by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations to address public safety and minimize impacts on residential neighborhoods and scenic, natural and historic resources.

(2)

The provisions set forth in this section shall apply to the construction, operation, repair and/or decommissioning of a commercial solar energy system that is structurally mounted on the ground and has a minimum nameplate capacity of 250 kW.

B.

Applicability.

(1)

Commercial large-scale ground-mounted solar energy systems with 250 kW or larger of rated nameplate capacity shall be erected or installed in compliance with the provisions of this section and other applicable sections of the Zoning Bylaw, as well as local, state and federal law and regulations. Such use shall not create a nuisance which is discernible from other properties by virtue of noise, vibration, smoke, dust, odors, heat, glare and radiation, unsightliness or other nuisances as determined by the site plan review granting authority. The site plan approval granting authority is the Planning Board.

(2)

Commercial large-scale ground-mounted solar energy systems with 250 kW or larger of rated nameplate capacity identified in the Industrial and Industrial Park Districts Overlay District shall undergo site plan review by the Planning Board prior to construction, installation or modification as provided in this section.

(3)

This section also pertains to physical modifications that materially alter the type, configuration or size of these installations or related equipment throughout the useful life of the system or where alterations may impact abutters.

C.

Definitions.

**As-of-Right Siting:** As-of-Right Siting shall mean that development may proceed without the need for a Special Permit. As-of-Right solar installations under this section are subject to site plan review and regulated by the building commissioner.

**Building Commissioner:** Charged with the enforcement of the Zoning Bylaw.

**Building Permit:** A construction permit issued by the building commissioner; the building permit evidences that the project is consistent with the state and federal building codes as well as local zoning bylaws, including those governing commercial large scale ground mounted solar energy systems.

**Designated Location:** The location(s) designated by the Town of Southborough, in accordance with Massachusetts General Laws Chapter 40A, Section 5, where commercial large scale ground mounted solar energy systems may be sited as-of-right. Said locations(s) are shown on a Zoning Map "Southborough Massachusetts Zoning Map" pursuant to Massachusetts General Laws Chapter 40A Section 4. This map is hereby made a part of this Zoning Bylaw and is on file in the office of the Southborough Town Clerk.

D.

General requirements

(1)

**Dimensional requirements.** A commercial solar energy system shall comply with all requirements in the Schedule of Dimensional Regulations in Addendum No. 2 of the Zoning Code of the Town of Southborough.

(2)

**Structures and panels.** All structures and panels and all associated equipment and fencing, including the commercial solar energy system, shall be subject to all applicable bylaws and regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking and building.

(3)

**Visual impact.** The visual impact of the commercial solar energy system, including all accessory structures and appurtenances, shall be minimized. All accessory structures and appurtenances shall be architecturally compatible with each other. Structures shall be shielded from view and/or joined and clustered if practical to avoid adverse visual impacts as deemed necessary by and in the sole discretion of the Planning Board. Methods such as the use of landscaping, natural features and opaque fencing shall be utilized.

(4)

Compliance with laws, ordinances and regulations. The construction and operation of all commercial solar energy systems shall be consistent with all applicable local regulations and bylaws, as well as state and federal laws, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a commercial solar energy system shall be constructed in accordance with the State Building Code as may be determined by the Building Commissioner.

E.

Design standards.

(1)

Lighting. Lighting of the commercial solar energy system, including all accessory structures and appurtenances, shall not be permitted unless required by the Planning Board, special permit and site plan approval decision or required by the State Building Code.

(2)

Signs and advertising.

(a)

Section 174-11, Signs, of the Code of the Town of Southborough shall not apply to this section. Signage for commercial solar energy systems shall be limited in size as determined by the Planning Board.

(b)

Commercial solar energy systems shall not be used for displaying any advertising except for reasonable identification of the owner or operator of the commercial solar energy system and emergency contact information.

(3)

Utility connections. All utility connections from the commercial solar energy system shall be underground unless specifically permitted otherwise by a special permit and site plan approval decision. Electrical transformers, inverters, switchgear and metering equipment to enable utility interconnections may be aboveground if required by the utility provider.

(4)

Land clearing, soil erosion and habitat impacts. Clearing of natural vegetation and trees shall be limited to what is necessary for the construction, operation and maintenance of the commercial solar energy system or otherwise prescribed by applicable laws, regulations and bylaws or the special permit and site plan review decisions.

F.

Modifications. All substantive material modifications to the commercial solar energy system made after site plan approval shall require modification to the site plan approval decision.

G.

Abandonment and removal.

(1)

Abandonment. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the commercial solar energy system shall be considered abandoned when it fails to operate at 50% capacity for more than one year without the written consent of the Planning Board. If the owner or operator of the commercial solar energy system fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the Town may enter the property and physically remove the installation.

(2)

Removal requirements. Any commercial solar energy system which has reached the end of its useful life or has been abandoned shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Planning Board, by First Class and Certified Mail, return receipt requested, of the proposed date of discontinued operations and plans for removal.

H.

To the extent permissible by applicable law, before issuance of any building permits for the commercial solar energy system, such construction and installation shall be secured in accordance with this bylaw and/or any regulations adopted pursuant to the commercial solar energy system for this purpose.

I.

Building permit and building inspection. No commercial solar energy system shall be constructed, installed or modified as provided in this section without first obtaining a building permit.

J.

The Planning Board may promulgate Rules and Regulations to implement the intent and purpose of this Bylaw.

K.

Permit continuances. The site plan approval decision shall be valid for a twelve-month period unless renewed or extended by the Planning Board following an application made by the applicant.

L.

When acting on a site plan review of the application pursuant to this article, the Planning Board shall conduct its review, conduct a public hearing and file its decision with the Town Clerk.

M.

Approval criteria. In reviewing any application for a site plan pursuant to this article, the Planning Board shall give due consideration to promoting the public health, safety, convenience and welfare; shall encourage the most appropriate use of land and shall permit no structure or use that is injurious, noxious, offensive or detrimental to its neighborhood.

N. Any person aggrieved by the action of the Planning Board on a site plan approval application may appeal said action to the Zoning Board of Appeals as provided in Article VI of the Southborough Code.

, or do or act anything in relation thereto.

**Proposed by: PLANNING BOARD**

**Board of Selectmen Recommendation:** At Town Meeting

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *This Bylaw was created to reasonable standards to facilitate development of As-of-Right Commercial large scale ground mounted solar energy systems in order to satisfy the Green Communities Act as-of-right zoning requirement.*

**MOTION MADE:** That the Town vote to amend Article III of the Zoning Bylaw by adding thereto a new Section 174-13.7 entitled *As of Right Commercial Large Scale Ground Mounted Solar Energy Systems*, as printed in the warrant.

Requires a 2/3 vote.

**MOTION PASSED.**

**Approved by the Attorney General on July 10, 2016.**

**ARTICLE 29:** To see if the Town will vote to amend Article III of the Zoning Code entitled “Use Regulations” by specifically amending the following Sections.

**§ 174-8.2. RA Residence A District.**

Subsection B(8) thereof by striking the words “owned by a public or a non-profit community housing organization” so that the subsection will now read, “multi-family housing for the elderly”.

**§ 174-8.4. BV Business Village District.**

Subsection C(7) thereof by striking the words “owned by a public or a non-profit community housing organization” so that the subsection will now read, “multi-family housing for the elderly”.

**§ 174-8.5. BH Highway Business District.**

Subsection C(9) thereof by striking the words “owned by a public or a non-profit community housing organization” so that the subsection will now read, “multi-family housing for the elderly”.



**§ 174-8.6. IP Industrial Park District.**

Subsection C(5) thereof by striking the words “owned by a public or a non-profit community housing organization” so that the subsection will now read, “multi-family housing for the elderly”.

**§ 174-8.8. SP Research, Scientific and Professional District.**

Subsection A(8) thereof by striking the words “owned by a public or a non-profit community housing organization” so that the subsection will now read, “multi-family housing for the elderly”.

, or do or act anything in relation thereto.

**Proposed by: PLANNING BOARD**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Not support

**Summary:** *The current clause which limits ownership of a multifamily elderly housing to a “public or non-profit community housing organization” is an invalid exercise of the Town’s zoning authority in that a town can regulate use, but not ownership.*

**MOTION MADE TO INDEFINITELY POSTPONE ARTICLE 29.**

**MOTION PASSED.**

**ARTICLE 30:** To see if the Town will vote to accept by grant from the Preservation Trust, Inc., a duly organized and existing Massachusetts, non-profit corporation, for conservation and open space purposed, with public access, a Conservation Restriction, pursuant to M.G.L. c. 184 Sections 31-33, as amended, to be held under the custody and control of the Conservation Commission pursuant to M.G.L. c.40 Section 8C on and over certain parcels of land located in the Town of Southborough, Massachusetts and consisting of approximately 26.59+/- acres being shown as lots 4-5, 4-6 and 4-7 on an ANR plan entitled “Plan of Land in Southborough, Massachusetts” dated January 26, 1999, scale 1”=100’, by Connorstone Consulting Civil Engineers and Land Surveyors as endorsed by the Southborough Planning Board on March 22, 1999 and recorded in the Worcester Registry of Deeds as Plan #12 in Plan Book 741. For Grantor’s Title, see deed dated December 31, 1999 from Robert A and Alice Lebewohl to Preservation Trust in Plan Book 22202, Page 164 and the Special Permit Grant for a major residential development, or do or act anything in relation thereto.

**Proposed by: PLANNING BOARD**

**Board of Selectmen Recommendation:** At Town Meeting

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *This article would place the open space parcels, currently owned by The Preservation Trust, into a Conservation Restriction (CR) to be held by the Conservation Commission, as monitoring agent, for permanent protection.*

**MOTION MADE TO INDEFINITELY POSTPONE ARTICLE 30.**

**MOTION PASSED.**

**ARTICLE 31:** To see if the Town will vote to authorize the Board of Selectmen to dispose of certain parcels of land with structures thereon deemed surplus property with no further public purpose, by deed of conveyance, grant or transfer after appraisals have been obtained and upon such terms and conditions as the Board of Selectmen deem appropriate. Said parcels of land being described as follows: 40 Central Street, having been acquired by deed dated May 13, 1999 and recorded in the Worcester Registry of Deeds at Book 21382, Page 260; 42 Central Street, commonly known as Fayville Village Hall, having been acquired by deed dated May 2, 1911 and recorded in said Registry of Deeds at Book 1962, Page 46; 2 Harrington Street, commonly known as Fire Department Station 2, having been acquired by deed dated June 15, 1954 and recorded in said Registry of Deeds at Book 3597, Page 559, or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation:** Support  
**Advisory Committee Recommendation:** Support

**Summary:** *The Board of Selectmen have identified three properties which are currently under-utilized and in need of various levels of repair (Fayville Hall, Fire Station #2, and 40 Central Street). The Selectmen are seeking authorization to dispose of these properties, as they are quickly reaching the end of their useful life as municipal properties, and will soon become financial liabilities.*

**MOTION MADE:** That the Town vote to authorize the Board of Selectmen to dispose of certain parcels of land with structures thereon deemed surplus property with no further public purpose, by deed of conveyance, grant or transfer after appraisals have been obtained and upon such terms and conditions as the Board of Selectmen deem appropriate. Said parcels of land being described as follows: 40 Central Street, having been acquired by deed dated May 13, 1999 and recorded in the Worcester Registry of Deeds at Book 21382, Page 260; 42 Central Street, commonly known as Fayville Village Hall, having been acquired by deed dated May 2, 1911 and recorded in said Registry of Deeds at Book 1962, Page 46; 2 Harrington Street, commonly known as Fire Department Station 2, having been acquired by deed dated June 15, 1954 and recorded in said Registry of Deeds at Book 3597, Page 559.

Requires a 2/3 vote.

**MOTION FAILED. 134 votes in favor, 69 opposed.**

**MOTION MADE TO MOVE ARTICLES 37, 38 AND 39 FORWARD.**

**MOTION PASSED.**

**MOTION MADE TO COMBINE ARTICLES 37, 37 AND 39 FOR PURPOSES OF DISCUSSION.**

**MOTION PASSED.**

**Approved by the Attorney General on July 10, 2016.**

**ARTICLE 37:** To see if the Town will vote to amend Chapter 174 (Zoning) of the Code of the Town of Southborough, Massachusetts, by adjusting the following:

First, in § 174-9J (2) (a) [3], amend subsection as follows:

[3] A registered marijuana dispensary and/or cultivation activities shall only be located (i) on property that borders Route 9, (ii) not less than 1000 linear feet from a property line of a school, recreational facility, day-care center, or any facility in which children commonly congregate [see definitions in § 174-9J(2)(c) below] located in the Town of Southborough, and (iii) not less than 100 linear feet from a property line of a residence located in the Town of Southborough. The required distances shall be measured from all property lines of the proposed facility.

**Proposed by: MARNIE L. HOOLAHAN**

**Board of Selectmen Recommendation:** At Town Meeting

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *The current bylaw is not in harmony with our Town's vision expressed in the language of the special permitting language. Specifically, the current bylaw in § 174-9J (2) (a) [3] states "A registered marijuana dispensary and/or cultivation activities shall only be located (i) on property that borders Route 9, and (ii) not less than 500 linear feet from a property line of a school, recreational facility or day-care center [see definitions in § 174-9J(2)(c) below] located in the Town of Southborough. The distance of 500 linear feet shall be measured from all property lines of the proposed facility." Citizens seek to amend language and key attributes (distance from schools, daycare and recreation facilities as well as abutting residential properties) in § 174-9J (2) (a) [3] to better align with the opening paragraph of special permitting language which reads "No special permit shall issue except upon a general finding that the use sought and its characteristics shall be in harmony with the intent and purpose of this chapter, shall not be in conflict with public health, safety, convenience and welfare and shall not be substantially detrimental or offensive to the neighborhood or destructive of property values therein." The amendment also includes language on "congregating children" that Massachusetts Department of Health recommends in this bylaw. This new bylaw language would be consistent with the language used in the Special*

*Permitting § 174-9I (3) (a) of Adult Use businesses which restrict zoning to 1000 linear feet of school, recreation, daycare, residential district zoning and other facilities with congregating children.*

**MOTION MADE:** That the Town vote to amend Chapter 174 (Zoning) of the Code of the Town of Southborough, Massachusetts, by adjusting the following:

First, in § 174-9J (2) (a) [3], amend subsection as follows:

[3] A registered marijuana dispensary and/or cultivation activities shall only be located (i) on property that borders Route 9, (ii) not less than 1000 linear feet from a property line of a school, recreational facility, day-care center, or any facility in which children commonly congregate [see definitions in § 174-9J(2)(c) below] located in the Town of Southborough, and (iii) not less than 100 linear feet from a property line of a residence located in the Town of Southborough. The required distances shall be measured from all property lines of the proposed facility. Requires a 2/3 vote.

**MOTION MADE TO MOVE THE QUESTION.**

**MOTION PASSED.**

**MAIN MOTION PASSED.**

**Approved by the Attorney General on July 10, 2016.**

**ARTICLE 38:** To see if town will vote to amend Chapter 174 (Zoning) of the Code of the Town of Southborough, Massachusetts, by adding the following:

In § 174-9J (1), add subsections (e) and (f):

(e) If the Massachusetts Department of Public Health cancels, revokes or non-renews the certificate of registration for the Registered Marijuana Dispensary, the special permit shall immediately become void.

(f) Nothing in this § 174-9J shall be construed to authorize operations in the Town of a recreational marijuana dispensary.

, or do or act anything in relation thereto.

**Proposed by: MARNIE L. HOOLAHAN**

**Board of Selectmen Recommendation:** At Town Meeting

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *Citizens seek to add a subsection to provide clarity of restrictions of use for a medical marijuana dispensary in our town. The subsection to § 174-9J (1) would add language that is consistent with the Massachusetts Department of Health language that specifically would void a special permit if Massachusetts Department of Health cancels, revokes or non-renews the certificate of registration for RMD. Additionally the proposed bylaw would prevent the sale of marijuana for recreational purposes. Our goal is to restrict any special permit granted to medical marijuana use only. This is not otherwise stated in the current bylaw.*

**MOTION MADE TO INDEFINITELY POSTPONE ARTICLE 38.**

**MOTION PASSED.**

**ARTICLE 39:** To see if the town will vote to amend Chapter 174 (zoning) of the Code of the Town of Southborough, Massachusetts, by adding the following

In § 174-9J (2) (a) [3], amend subsection as follows: § 174-9J (2) (a) [7], add subsection (7) as follows:

(7) A registered marijuana dispensary shall operate only Monday-Friday from 8:00am to 2:30 pm or will dispense marijuana only by appointment.

, or do or act anything in relation thereto.

**Proposed by: MARNIE L. HOOLAHAN**

**Board of Selectmen Recommendation:** At Town Meeting

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *Citizens seek to amend and add language to § 174-9J (2) (a) [7] to restrict the Medical Marijuana Dispensaries open hours of operation to coincide with the time period that children are in school and will limit dispensing to appointment only whereby limiting unanticipated traffic and activity. Citizens seek this provision to further support harmony with the special permitting language and assure that the medical marijuana dispensing shall not be in conflict with public health, safety, convenience and welfare and shall not be substantially detrimental or offensive to the neighborhood.*

**MOTION MADE:** That the Town vote to amend Chapter 174 (zoning) of the Code of the Town of Southborough, Massachusetts, by adding the following:

In § 174-9J (2) (a) [3], amend subsection as follows: § 174-9J (2) (a) [7], add subsection (7) as follows:

(7) A registered marijuana dispensary shall operate only Monday-Friday from 8:00am to 2:30 pm or will dispense marijuana only by appointment.

Requires a 2/3 vote.

**MOTION FAILED. 105 votes in favor, 96 opposed.**

**ARTICLE 32:** To see if the Town will vote to amend Chapter 36 (Selectmen) of the Code of the Town of Southborough, Massachusetts, by amending Article III. Transfer Station; Violations and Fines as follows, with the changes added in **BOLD** and those deleted in *ITALICS*, or do or act anything in relation thereto:

Chapter 36. SELECTMEN

Article III. Transfer Station; Violations and Fines  
[Adopted 4-11-2005 ATM, Art. 54]

§ 36-6. Stickers required.

Pursuant to the duly promulgated rules and regulations of the Board of Selectmen, valid transfer station stickers will be required for all residents utilizing the transfer station and its related facilities.

§ 36-7. Rules and regulations violations.

Failure to adhere to the provisions of the Selectmen's rules and regulations, as duly posted at the transfer station, will result in the issuance of a warning letter from the Superintendent of the Department of Public Works.

§ 36-8. Subsequent violations.

[Amended 4-10-2007 ATM, Art. 39]

Subsequent violations of the rules and regulations at the transfer station, after the first warning letter has been issued, will result in a \$100 fine for each subsequent violation. *Anyone who enters the transfer station without a valid transfer station sticker shall be subject to a \$250 fine for each offense.* Fines **are set annually by the Board of Selectmen and** shall be paid within 30 days on notification from the Board of Selectmen or their designee.

§ 36-9. Appeal to Board of Selectmen.

[Amended 4-10-2007 ATM, Art. 39]

The Board of Selectmen will govern the process for administering the imposition of fines, which may be appealed to the Board of Selectmen or their designee within 30 days of the dates of notification, by the Town. After due notice and hearing, the Selectmen or their designee shall have the authority to uphold, modify or repeal any such fine imposed. No fine will be delinquent while an appeal is pending before the Board or their designee. Violators shall

have 10 days to pay said fines if notified by the Selectmen or their designee that the appeal has been denied. No transfer station sticker will be issued to residents with delinquent fines.

§ 36-10. Police Department enforcement.

The Police Department is further authorized to prosecute any delinquent unpaid fines pursuant to the applicable provisions of state statute.

**Proposed by: GREEN TECHNOLOGY AND RECYCLING COMMITTEE**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *This is a proposed bylaw change from the Green Technology and Recycling Committee, with the support of the Public Works Planning Board. This change will allow the Board of Selectmen to address the fine structure annually during their review of the Transfer Station Rules and Regulations.*

**MOTION MADE:** That the Town vote to amend Chapter 36 (Selectmen) of the Code of the Town of Southborough, Massachusetts, by amending Article III. Transfer Station; Violations and Fines, as printed in the warrant.

**MOTION PASSED.**

**Approved by the Attorney General on July 10, 2016.**

**ARTICLE 33:** To see if the Town will vote to amend Chapter 81 of the Code of the Town of Southborough, Massachusetts, entitled *Dogs and Other Animals* by amending Article II thereof by inserting a new Section 81-11 as follows:

**§81-11: Removal of Dog Litter**

- A. It shall be the duty of the owner and each person who possesses or controls a dog to remove and properly dispose of any feces discharged by such dog on any sidewalk, walkway, street, park, public area, any other public property, or any private property in the Town.
- B. Any owner or other person who violates the provisions of this section shall be punished by a fine of \$25.00 for each offense.
- C. The Animal Control Officer or any duly appointed Police Officer of the Town shall be authorized to enforce the provisions of this by-law.

, or do or act anything in relation thereto.

**Proposed by: TOWN CLERK**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *If adopted, this article would require owners to remove dog waste from public areas or private property owned by others. This article subjects violators to a fine of \$25. This article was proposed after consultation with the Animal Control Officer, who pointed out that there was no "Pooper Scooper" law on the books in Southborough, and remarked on its success in other local towns.*

**MOTION MADE:** That the Town vote to amend Chapter 81 of the Code of Southborough, Massachusetts, entitled *Dogs and Other Animals* by amending Article II thereof by inserting a new Section 81-11, as printed in the warrant.

**MOTION PASSED.**

**Approved by the Attorney General on July 10, 2016.**

**ARTICLE 34:** To see if the Town will vote to amend Chapter 81 of the Code of the Town of Southborough, Massachusetts, Article II thereof entitled *Dogs and Other Animals* by striking from Section 81-7 subsections A, B and C and inserting a new fee schedule in said subsections as follows:

- 1) Any owner or keeper of a dog in the Town that is found to be in violation of the provisions of Chapter 81 of the Code of the Town of Southborough shall be liable to a penalty according to the following schedule:
  - a. First Violation (Up to 30 days past deadline): \$25
  - b. Second Violation (30 days or more past deadline): \$50

And further by striking Sections 81-8 through 81-10 in their entirety, and inserting in place thereof the following text:

#### **§81-8. Dog Licensing Fees.**

##### **Revised Text:**

- A. The fee for every dog license issued in the Town shall be posted in the Schedule of Fees in the Office of the Town Clerk.
- B. The deadline to renew a license shall be thirty (30) days following the expiration of the prior license. After that date, a penalty will be added to the license fee, as posted in the Schedule of Fees in the Office of the Town Clerk.
  - a. Any dog acquired or moved into the Town shall be required to obtain a license within thirty (30) days, or upon reaching the age of 6 months, whichever occurs last. After thirty (30) days, the owner shall be subject to late fees as posted in the Schedule of Fees in the Office of the Town Clerk.
- C. If any matter relating to an expired license remains unresolved after sixty (60) days, either the owner of the Town may bring an action in the District Court of Westborough requesting that the matter be adjudicated.
- D. Fee Exemptions:
  - a. No fee shall be charged for any service dog as defined by the Americans with Disabilities Act (ADA), provided that the dog has been trained and is in the actual service of a resident of the Town.
  - b. Even if exempt from the licensing fee, all dogs in the Town must obtain a license following normal procedures, or will be subject to the fines and penalties posted in the Schedule of Fees in the Office of the Town Clerk.
- E. Once a dog license fee has been paid to the Town, no fee or portion thereof shall be refunded.

#### **§81-9. Disposition of Fees**

- A. The Town Clerk, the Animal Control Officer, and the Police Chief shall have authority to issue fines for violations relating to dog licenses.
- B. All funds received by the Town Clerk as payment for dog licenses, replacement tags, and related fees and fines shall be paid over to the Town Treasurer.

, or do or act anything in relation thereto.

##### **Proposed by: TOWN CLERK**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *If accepted, this measure would establish a clearer framework for licensing dogs in the Town. It accomplishes this by setting guidelines for acquisition and renewal of dog licenses. It also outlines a new fine structure for penalties relating to dog licenses, as well as an avenue for appeals. The article also establishes fee exemptions for service dogs, as defined by federal disability statutes. The final measure gives authority to the Town Clerk and Animal Control Officer, and the Police Chief to issue fines related to dog licenses. Currently, this authority rests solely with the Police Chief. However violations are tracked by the Town Clerk and penalties are paid to the Clerk's Office. Sharing the authority to issue fines would significantly reduce this administrative overlap.*

**MOTION MADE:** That the Town vote to amend Chapter 81 of the Code of the Town of Southborough, Massachusetts, Article II thereof entitled Dogs by striking from Section 81-7 subsections A, B and C and inserting a new fee schedule in said subsections, as printed in the warrant.

**MOTION PASSED.**

**Approved by the Attorney General on July 10, 2016.**

**ARTICLE 35:** To see if the Town will vote to amend Chapter 9 of the Code of the Town of Southborough, Massachusetts, entitled *Committees*, by amending Article VI thereof by inserting the following new subsections in said Article:

**§9-25. Meeting Minutes**

- A. Each Board, Committee, or Commission shall provide minutes for each of its meetings to the Town Clerk within 45 days of the meeting.
  - a. The minutes shall indicate whether they have or have not been approved by the board, committee or commission when submitted to the Town Clerk.
  - b. Minutes shall be submitted in a manner consistent with the Open Meeting Law (MGL c.30A §22), including a record of the date, time and place of the meeting, the members present or absent, a summary of the discussions on each subject, a list of documents and other exhibits used at the meeting, and the decisions made and the actions taken at the meeting, including the record of all votes.
  - c. If after 45 days from the date of a posted public meeting of a board, committee, or commission, the Town Clerk has not received a copy of the minutes, then the Town Clerk shall notify the chairperson of the board, committee, or commission that the minutes have not been received and that the board, committee or commission is not in compliance with the provisions of this by-law.
- B. The Town Clerk shall log the receipt of all minutes and the Town Clerk will post minutes on the Town website. Minutes shall be kept by the Town Clerk for a period as required by applicable State law. Any minutes received that have not been approved at the time of their receipt shall be labeled "Draft."

**§9-26. Social Media Retention Policy**

- F. The Town Clerk will maintain archive copies of each website and social media site that is maintained by or on behalf of any Town department, board, committee, or elected or appointed official. These archives will be maintained and be made available to the public to comply with the Massachusetts Public Records Law.
- G. The Committee Chairperson or Department head who controls or maintains any website or social media site that is maintained by or on behalf of any Town department, board, committee, or elected or appointed official must notify the Town Clerk of the creation of the website or social media site before that site is made available to the public.

, or do or act anything in relation thereto.

**Proposed by: TOWN CLERK**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *If accepted, this article would create a procedure for the Town Clerk to retain meeting minutes from the various boards and committees in the Town, and post them online for public access and reference. Currently, there is no requirement for the Clerk to retain minutes and public access to the minutes is dependent on each committee. Since this dependence may result in inconsistent compliance with State requirements, the Town Clerk sees this change as necessary to ensure consistent compliance.*

*This article would also create a Social Media Retention Policy which would authorize the Town Clerk to maintain an archive of the content of all websites and social media maintained by or on behalf of any Town department, board, committee, or elected or appointed official. Any information posted on a Town controlled website or social media site is a public record under Massachusetts law and must be retained in accordance with the Public Record law.*

**MOTION MADE:** That the Town vote to amend Chapter 9 of the Code of the Town of Southborough, Massachusetts, entitled *Committees*, by amending Article VI thereof by inserting new subsections in said Article, as printed in the warrant.

**FIRST AMENDMENT MADE:** That the Town vote to amend the main motion by striking the words "a list of documents and other exhibits used at the meeting," in Section 9-25, A, b.

**AMENDMENT PASSED BY A MAJORITY VOTE.**

**SECOND AMENDMENT MADE:** That the Town vote to amend the main motion by adding the following sentence in 9-25 A, b "Minutes should also include copies of all documents and other exhibits used at the meeting if reasonably possible. If copies of documents or other exhibits used at the meeting cannot be provided, the specific location of the documents or exhibits should be identifies. After the words "including the record of all votes."

**SECOND AMENDMENT PASSED BY MAJORITY VOTE.**

**MAIN MOTION AS AMMENDED PASSED BY MAJORITY VOTE.**

**ARTICLE 36:** To see if the Town will vote to amend Chapter 41 of the Code of the Town of Southborough, Massachusetts, entitled *Town Meetings Article 1 thereof Miscellaneous Provisions* by striking subsections B and C in their entirety and by inserting the following as a new Chapter 42:

Chapter 42  
Town Elections

**Article 1**

§42-1. The election of Town officers and the voting on questions required by General or Special Acts on laws shall be held on the second Tuesday of May.

§42-2. Pursuant to M.G.L. c.54 § 64 as amended, the polls shall be opened from 8:00 a.m. to 8:00 p.m. or earlier as may be determined and by the Board of Selectmen.

, or do or act anything in relation thereto.

**Proposed by: TOWN CLERK**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *If adopted, this article would change the date of the Town Election from the second Monday of May to the second Tuesday of May. All elections would be held on a Tuesday eliminating the current confusion about whether an election is held on a Monday or Tuesday. It also recognizes the authority of the Board of Selectmen to open the polls at an earlier time if they should chose to do so. Finally, this Article creates a new chapter in the Town Code for bylaws regarding town elections; to this point it had been lodged under Town meeting requirements. This Article has been developed in cooperation with the Northborough Town Clerk who will also propose an Article at their Town Meeting to change Northborough's Town Election to the second Tuesday of May. Both Towns must hold Town Elections on the same day because voters in both towns vote for the Regional School Committee candidates.*

**MOTION MADE:** That the Town vote to amend Chapter 41 of the Code of the Town of Southborough, Massachusetts, entitled *Town Meetings Article 1 thereof Miscellaneous Provisions* by striking subsections B and C in their entirety and by inserting a new Chapter 42, as printed in the warrant.

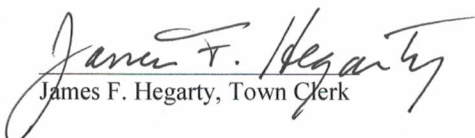
**MOTION PASSED.**

**Approved by the Attorney General on July 10, 2016.**

At 11:37PM it was voted unanimously to close the ANNUAL TOWN MEETING.

True Copy

Attest:

  
James F. Hegarty, Town Clerk





**TOWN WARRANT  
COMMONWEALTH OF MASSACHUSETTS**

***Special Town Meeting  
October 18, 2016***

At the Special Town Meeting, duly called and held in the P. Brent Trottier Middle School, Southborough, on Tuesday October 18, 2016 at 7:30 PM, the following ARTICLES were voted on in a legal manner. There was a quorum present (100 voters = quorum); 682 voters were present.

**MOTION MADE:** To waive the reading of the Warrant.

**MOTION PASSED.**

**ARTICLE 1:** To hear reports of the various Town Officers and Committees and to take such action thereon as the Town may vote.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *To hear reports of Town Boards, Committees or Commissions.*

**MOTION MADE:** That the Town hear reports of the various Town Officers and Committees and to take such action thereon as the Town may vote.

**MOTION PASSED.**

**ARTICLE 2:** To see if the Town will vote to transfer the sum of \$77,100.00 between and among various accounts for the fiscal year ending June 30, 2017, for the following purposes:

	FROM ACCOUNT:	TO ACCOUNT:	AMOUNT
A.	Generator Senior Center April 2013 0100-6-192-11-68261	Treasurer/Collector 0100-5-145-000- 51100	\$3,500.00
B.	Generator Senior Center April 2013 0100-6-192-11-68261	Treasurer/Collector 0100-5-145-000- 53880	\$3,750.00
C.	Generator Senior Center April 2013 0100-6-192-11-68261	Insurance Deductibles 0100-6-192-52560	\$5,000.00
D.	Generator Senior Center April 2013 0100-6-192-11-68261	Retirement In Lieu of Sick & Vacation 0100-6-910-570- 51771	\$30,850.00
E.	Article 17, ATM 4/11/11 (Regional Schools legal fees)	School Dept. Misc. Contracted Services 0100-5- 301-000-53880	\$10,000.00
F.	Article 11, ATM 4/8/13 (Trottier Electrical)	School Dept. Misc. Contracted Services 0100-5- 301-000-53880	\$24,000.00

, or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:**

- A. *The Treasurer/Collector's Department has had one unexpected employee turnover this year. The new employee was acquired at a slightly higher rate than the previous employee.*
- B. *These funds are for outsourcing or acquiring enhanced payroll services and/or software for Town payroll processing. The current software is not suitable to the needs of the Department.*
- C. *The Town has always maintained an account for deductibles that need to be paid due to insurance claims for damage. Once every several years depending on activity this account is replenished.*
- D. *The Town is obligated to pay certain unused vacation and sick accumulated balances for Town employees upon retirement. As with the deductible account, dependent on activity this needs to be replenished when the funding is exhausted.*
- E. *The Public Schools of Southborough have maintained and upgraded the Trottier Auditorium, which is used for school, Town and community events throughout the school year. The Trottier School was built in 1997 and since that time the auditorium upgrades have included a new Bose sound system installed within the last three years in the amount of \$70,000 in donations and payments, monitor speakers on the stage of high quality sound at a cost of \$3,500, and in process, lighting upgrades to include a new control panel, fixtures, potentially a lighting bar drop down as funds are available. This represents installation which includes labor, wiring, and programming. The recent negotiation with The Southborough Access Media by the Schools which relocates the Studio to Trottier Middle School has provided funds in the amount of a one-time transfer of \$77,000 to the Schools. The total project cost is \$143,300. The remaining balance is \$66,300. Should the transfer of the \$34,000 be approved, the balance of the project (\$32,200) will be assumed by facilities rentals. The upgrades that have taken place throughout the years have been funded by the Schools without requesting a warrant article for capital improvements at Town Meeting.*
- F. *Same as E.*

**MOTION MADE:** That the Town vote to transfer between and among these accounts for the fiscal year ending June 30, 2017 as listed in the warrant:

	FROM ACCOUNT:	TO ACCOUNT:	AMOUNT
A.	Generator Senior Center April 2013 0100-6-192-11-68261	Treasurer/Collector 0100-5-145-000-51100	\$3,500.00
B.	Generator Senior Center April 2013 0100-6-192-11-68261	Treasurer/Collector 0100-5-145-000-53880	\$3,750.00
C.	Generator Senior Center April 2013 0100-6-192-11-68261	Insurance Deductibles 0100-6-192-52560	\$5,000.00
D.	Generator Senior Center April 2013 0100-6-192-11-68261	Retirement In Lieu of Sick & Vacation 0100-6-910-570-51771	\$30,850.00
E.	Article 17, ATM 4/11/11 (Regional Schools legal fees)	School Dept. Misc. Contracted Services 0100-5-301-000-53880	\$10,000.00

**MOTION PASSED.**

**ARTICLE 3:** To see if the Town will vote to approve funding for the economic cost items under M.G.L. Chapter 150E, Section 7 for any particular collective bargaining agreements reached before Town Meeting, or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation:** At Town Meeting

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *This article will fund costs associated with the first year of any contract agreed upon before Town Meeting commences with the Public Safety Communication Officers.*

**MOTION MADE:** That the Town vote to approve funding for the economic cost items under M.G.L. Chapter 150E, Section 7 for any particular collective bargaining agreements reached before Town Meeting.

**MOTION PASSED.**

**Presentation by Karen Galligan, DPW Superintendent**

**Presentation by Martin Walsh, Chari Main Street Design Working Group**

**ARTICLE 4:** To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, donation, purchase or take by eminent domain, pursuant to Massachusetts General Laws, Chapter 79, as amended, certain permanent, temporary and aerial and drainage easements on, over and within certain parcels of land for the purpose of obtaining a secure and improved public right of way and access by widening and reconstructing of Main Street, Route 30, from Sears Road to Park Street.

Said acquisition of such easements comprising of 122 parcels of land located in the Town of Southborough is described as follows:

<u><b>PERMANENT ROADWAY EASEMENTS</b></u>			
<b>PARCEL NO.</b>	<b>OWNER</b>	<b>AREA OF EASEMENT</b>	
<b>Private Residences</b>			
E-1	MICHAEL A. SPATARO & SIMON N. MCRAE TRUST 2 SEARS ROAD; MAP 52 LOT 7	PERM.	73 ±
E-9	LEONORA A. & FRED B. WILLIAMS 34 MAIN STREET; MAP 54 LOT 9	PERM.	193 ±
E-16	RAYMOND D. & MICHELE A. HOKINSON 12 MAIN STREET; MAP 54 LOT 83	PERM.	34 ±
E-17	RAYMOND D. & MICHELE A. HOKINSON 10 MAIN STREET; MAP 54 LOT 84	PERM.	158 ±
E-18	WARREN C. & LUCIA R. PROSPERI 8 MAIN STREET; MAP 54 LOT 70	PERM.	134 ±
E-26	CHARLES O. JR. & WENDY M. BLACK 1 DEERFOOT ROAD; MAP 53 LOT 5A	PERM.	146 ±
<b>Non-Profits</b>			
E-2	FAY SCHOOL, INC. 54 MAIN STREET; MAP 53 LOT 12	PERM.	252 ±
E-3	FAY SCHOOL, INC. 48 MAIN STREET; MAP 53 LOT 11	PERM.	1788 ±
E-4	FAY SCHOOL, INC. 48 MAIN STREET; MAP 53 LOT 11	PERM.	326 ±
E-5	FAY SCHOOL, INC. 48 MAIN STREET; MAP 53 LOT 11	PERM.	864 ±
E-11	SOUTHBOROUGH VILLAGE SOCIETY 28 MAIN STREET; MAP 58 LOT 2A	PERM.	910 ±
E-13	ST MARK'S SCHOOL 25 MARLBORO ROAD; MAP 65 LOT 3	PERM.	835 ±

E-21	PILGRIM CONGREGATIONAL CHURCH 15 COMMON STREET; MAP 54 LOT 5	PERM.	249 ±
E-23	FAY SCHOOL, INC. 44 MAIN STREET; MAP 54 LOT 2	PERM.	446 ±
E-24	SOUTHBOROUGH VILLAGE SOCIETY 28 MAIN STREET; MAP 58 LOT 2A	PERM.	263 ±
E-27	FAY SCHOOL, INC. 70 MAIN STREET; MAP 53 LOT 25	PERM.	208 ±
E-28	FAY SCHOOL, INC. 48 MAIN STREET; MAP 53 LOT 11	PERM.	11 ±
E-29	ST. MARK'S CHURCH 27 MAIN STREET; MAP 54 LOT 3	PERM.	847 ±
<b>Businesses</b>			
E-6	TIMOTHY P. & VIRGINIA STONE 42 MAIN STREET; MAP 54 LOT 1	PERM.	488 ±
E-7	DONALD C. & STEPHANIE MORRIS 40 MAIN STREET; MAP 54 LOT 11	PERM.	667 ±
E-8	STEPHEN D. & NANCY G. MORRIS 36 MAIN STREET; MAP 54 LOT 10	PERM.	104 ±
E-14	16 MAIN STREET REALTY TRUST 16 MAIN STREET; MAP 54 LOT 86	PERM.	23 ±
E-15	JSO REALTY, LLC 14 MAIN STREET; MAP 54 LOT 85	PERM.	148 ±
E-19	9 MAIN STREET, LLC 9 MAIN STREET; MAP 54 LOT 39	PERM.	392 ±
E-20	THE HOUSE OF SOUTHBORO TRUST 6 MAIN STREET; MAP 54 LOT 65	PERM.	97 ±
E-25	RICHARD A. HALLISEY LIMITED PARTNERSHIP 11 MAIN STREET; MAP 54 LOT 29	PERM.	159 ±
<b>Government</b>			
E-10	SOUTHBOROUGH HOUSING AUTHORITY 1 CORDAVILLE ROAD; MAP 54 LOT 25	PERM.	72 ±
E-12	TOWN OF SOUTHBOROUGH WOODWARD SCHOOL 28 CORDAVILLE ROAD; MAP 54 LOT 92	PERM.	237 ±
E-22	TOWN OF SOUTHBOROUGH TOWN COMMON; MAP 54 LOT 6	PERM.	692 ±
E-30	TOWN OF SOUTHBOROUGH PUBLIC SAFETY COMPLEX 19 MAIN STREET; MAP 54 LOT 26	PERM.	118 ±

PERMANENT UTILITY EASEMENTS			
PARCEL NO.	OWNER	AREA OF EASEMENT	
Private Residences			
PUE-1	ROBERT NICOLS & DANE S. WORLEY 94 MAIN STREET; MAP 53 LOT 5	UTIL.	62 ±
PUE-3	TIMOTHY J. NORTON & SHERRY L. COUNTRYMAN 65 MAIN STREET; MAP 53 LOT 6B	UTIL.	100 ±
PUE-4	ERIC C. & AIMEE SIEGEL 61 MAIN STREET; MAP 53 LOT 21	UTIL.	538 ±
PUE-5	ALAN J. & WENDY SCOTT MCDONALD 59 MAIN STREET; MAP 53 LOT 7	UTIL.	276 ±
PUE-15	STEPHEN G. & LAURIE D. PHILLIPS 26 MAIN STREET; MAP 54 LOT 90	UTIL.	256 ±
PUE-16	DONALD M. & ANN DANDO LEAVITT 24 MAIN STREET; MAP 54 LOT 89	UTIL.	145 ±
PUE-17	DAVID W. PARRY 20-22 MAIN STREET; MAP 54 LOT 88	UTIL.	470 ±
PUE-19	MARSTON & LOUISE F. CLOUGH 18 MAIN STREET; MAP 54 LOT 87	UTIL.	243 ±
PUE-21	WARREN C. & LUCIA R. PROSPERI 8 MAIN STREET; MAP 54 LOT 70	UTIL.	54 ±
Non-Profits			
PUE-6	ST. MARK'S SCHOOL 55 MAIN STREET; MAP 53 LOT 8	UTIL.	94 ±
PUE-7	FAY SCHOOL, INC. 66 MAIN STREET; MAP 53 LOT 14	UTIL.	96 ±
PUE-8	FAY SCHOOL, INC. 66 MAIN STREET; MAP 53 LOT 14	UTIL.	100 ±
PUE-9	FAY SCHOOL, INC. 66 MAIN STREET; MAP 53 LOT 14	UTIL.	86 ±
PUE-10	ST. MARK'S CHURCH 27 MAIN STREET; MAP 54 LOT 3	UTIL.	61 ±
PUE-12	SOUTHBOROUGH VILLAGE SOCIETY 28 MAIN STREET; MAP 58 LOT 2A	UTIL.	40 ±
PUE-13	SOUTHBOROUGH VILLAGE SOCIETY 28 MAIN STREET; MAP 58 LOT 2A	UTIL.	41 ±
PUE-14	SOUTHBOROUGH VILLAGE SOCIETY 28 MAIN STREET; MAP 58 LOT 2A	UTIL.	140 ±
PUE-22	ST. MARK'S SCHOOL 30 MAIN STREET; MAP 53 LOT 9	PERM.	215 ±
PUE-23	FAY SCHOOL, INC. 31 MAIN STREET; 53 LOT 10	PERM.	402 ±
PUE-24	ST. MARK'S CHURCH 27 MAIN STREET; MAP 54 LOT 3	UTIL.	312 ±
Businesses			
PUE-2	84 MAIN STREET SOUTHBOROUGH, LLC 84 MAIN STREET; MAP 53 LOT 1	UTIL.	95 ±
PUE-20	16 MAIN STREET REALTY TRUST 16 MAIN STREET; MAP 54 LOT 86	UTIL.	425 ±
D-1	84 MAIN STREET SOUTHBOROUGH, LLC 84 MAIN STREET; MAP 53 LOT 1	DRAIN.	11261 ±
Government			
PUE-11	TOWN OF SOUTHBOROUGH TOWN COMMON; MAP 54 LOT 6	UTIL.	537 ±
PUE-18	TOWN OF SOUTHBOROUGH WOODWARD SCHOOL 28 CORDAVILLE ROAD; MAP 54 LOT 92	UTIL.	91 ±

TEMPORARY EASEMENTS			
PARCEL NO.	OWNER	AREA OF EASEMENT	
Private Residences			
TE-1	MICHAEL A. SPATARO & SIMON N. MCRAE TRUST 2 SEARS ROAD; MAP 52 LOT 7	TEMP.	236 ±
TE-2	ROBERT NICOLS & DANE S. WORLEY 94 MAIN STREET; MAP 53 LOT 5	TEMP.	4664 ±
TE-3	CHARLES O. JR. & WENDY M. BLACK 1 DEERFOOT ROAD; MAP 53 LOT 5A	TEMP.	2160 ±
TE-5	TIMOTHY J. NORTON & SHERRY L. COUNTRYMAN 65 MAIN STREET; MAP 53 LOT 6B	TEMP.	478 ±
TE-6	ERIC C. & AIMEE SIEGEL 61 MAIN STREET; MAP 53 LOT 21	TEMP.	150 ±
TE-7	GEORGE ARTHUR FORSYTHE & DOROTHY ANNE HURD 78 MAIN STREET; MAP 53 LOT 18	TEMP.	2635 ±
TE-8	ALAN J. & WENDY SCOTT MCDONALD 59 MAIN STREET; MAP 53 LOT 7	TEMP.	317 ±
TE-26	LEONORA A. & FRED B. WILLIAMS 34 MAIN STREET; MAP 54 LOT 9	TEMP.	911 ±
TE-31	CHRISTINE J. DONAHUE 3 CORDAVILLE ROAD; MAP 54 LOT 24	TEMP.	1559 ±
TE-32	RAYMOND G. HULING, IV 5 CORDAVILLE ROAD; MAP 54 LOT 23	TEMP.	864 ±
TE-35	STEPHEN G. & LAURIE D. PHILLIPS 26 MAIN STREET; MAP 54 LOT 90	TEMP.	1782 ±
TE-36	BERNARD & SANDRA CAMPBELL 17 MAIN STREET; MAP 54 LOT 27	TEMP.	437 ±
TE-37	DONALD M. & ANN DANDO LEAVITT 24 MAIN STREET; MAP 54 LOT 89	TEMP.	316 ±
TE-38	KRISTEN CONNELL 15 MAIN STREET; MAP 54 LOT 28	TEMP.	1214 ±
TE-39	DAVID W. PARRY 20-22 MAIN STREET; MAP 54 LOT 88	TEMP.	708 ±
TE-41	MARSTON & LOUISE F. CLOUGH 18 MAIN STREET; MAP 54 LOT 87	TEMP.	323 ±
TE-46	RAYMOND D. & MICHELE A. HOKINSON 12 MAIN STREET; MAP 54 LOT 83	TEMP.	290 ±
TE-47	RAYMOND D. & MICHELE A. HOKINSON 10 MAIN STREET; MAP 54 LOT 84	TEMP.	2151 ±
TE-48	WARREN C. & LUCIA R. PROSPERI 8 MAIN STREET; MAP 54 LOT 70	TEMP.	465 ±
TE-62	TIMOTHY J. NORTON & SHERRY L. COUNTRYMAN 65 MAIN STREET; MAP 53 LOT 6B	TEMP.	758 ±
TE-66	THOMAS W. & REGINA M. MANNIX 1 SEARS ROAD; MAP 53 LOT 6	TEMP.	1970 ±
Non-Profits			
TE-9	FAY SCHOOL, INC. 76 MAIN STREET; MAP 53 LOT 19	TEMP.	1579 ±
TE-10	ST. MARK'S SCHOOL 55 MAIN STREET; MAP 53 LOT 8	TEMP.	365 ±
TE-11	ST. MARK'S SCHOOL 55 MAIN STREET; MAP 53 LOT 8	TEMP.	286 ±
TE-12	ST. MARK'S SCHOOL 30 MAIN STREET; MAP 53 LOT 9	TEMP.	1466 ±
TE-13	FAY SCHOOL, INC. 56 MAIN STREET; MAP 53 LOT 13	TEMP.	1777 ±
TE-14	FAY SCHOOL, INC. 31 MAIN STREET; 53 LOT 10	TEMP.	1471 ±
TE-16	ST. MARK'S CHURCH 27 MAIN STREET; MAP 54 LOT 3	TEMP.	989 ±
TE-20	PILGRIM CONGREGATIONAL CHURCH 15 COMMON STREET; MAP 54 LOT 5	TEMP.	331 ±
TE-29	ST MARK'S SCHOOL 25 MARLBORO ROAD; MAP 65 LOT 3	TEMP.	5994 ±

TE-30	SOUTHBOROUGH VILLAGE SOCIETY 28 MAIN STREET; MAP 58 LOT 2A	TEMP.	7284 ±
TE-54	FAY SCHOOL, INC. 74 MAIN STREET; MAP 53 LOT 20	TEMP.	1810 ±
TE-55	FAY SCHOOL, INC. 70 MAIN STREET; MAP 53 LOT 25	TEMP.	1253 ±
TE-56	FAY SCHOOL, INC. 66 MAIN STREET; MAP 53 LOT 14	TEMP.	1778 ±
TE-57	FAY SCHOOL, INC. 54 MAIN STREET; MAP 53 LOT 12	TEMP.	1921 ±
TE-58	FAY SCHOOL, INC. 48 MAIN STREET; MAP 53 LOT 11	TEMP.	3268 ±
TE-59	FAY SCHOOL, INC. 48 MAIN STREET; MAP 53 LOT 11	TEMP.	4551 ±
TE-60	FAY SCHOOL, INC. 44 MAIN STREET; MAP 54 LOT 2	TEMP.	1139 ±
TE-63	ST. MARK'S CHURCH 27 MAIN STREET; MAP 54 LOT 3	TEMP.	1272 ±
TE-67	FAY SCHOOL, INC. 66 MAIN STREET; MAP 53 LOT 14	TEMP.	504 ±
TE-68	FAY SCHOOL, INC. 66 MAIN STREET; MAP 53 LOT 14	TEMP.	869 ±
TE-69	FAY SCHOOL, INC. 66 MAIN STREET; MAP 53 LOT 14	TEMP.	723 ±
TE-70	ST. MARK'S SCHOOL 30 MAIN STREET; MAP 53 LOT 9	TEMP.	1034 ±
<b>Businesses</b>			
TE-4	84 MAIN STREET SOUTHBOROUGH, LLC 84 MAIN STREET; MAP 53 LOT 1	TEMP.	813 ±
TE-18	TIMOTHY P. & VIRGINIA STONE 42 MAIN STREET; MAP 54 LOT 1	TEMP.	860 ±
TE-24	DONALD C. & STEPHANIE MORRIS 40 MAIN STREET; MAP 54 LOT 11	TEMP.	2700 ±
TE-25	STEPHEN D. & NANCY G. MORRIS 36 MAIN STREET; MAP 54 LOT 10	TEMP.	1067 ±
TE-42	RICHARD A. HALLISEY LIMITED PARTNERSHIP 11 MAIN STREET; MAP 54 LOT 29	TEMP.	274 ±
TE-43	16 MAIN STREET REALTY TRUST 16 MAIN STREET; MAP 54 LOT 86	TEMP.	1329 ±
TE-44	JSO REALTY, LLC 14 MAIN STREET; MAP 54 LOT 85	TEMP.	1290 ±
TE-45	RICHARD A. HALLISEY LIMITED PARTNERSHIP 11 MAIN STREET; MAP 54 LOT 29	TEMP.	2243 ±
TE-49	9 MAIN STREET, LLC 9 MAIN STREET; MAP 54 LOT 39	TEMP.	3062 ±
TE-50	THE HOUSE OF SOUTHBORO TRUST 6 MAIN STREET; MAP 54 LOT 65	TEMP.	1102 ±
TE-51	MASSACHUSETTS ELECTRIC COMPANY MAIN STREET; MAP 54 LOT 40	TEMP.	975 ±
TE-52	OLD FIRE STATION, LLC 5 MAIN STREET; MAP 54 LOT 41	TEMP.	504 ±
TE-61	84 MAIN STREET SOUTHBOROUGH, LLC 84 MAIN STREET; MAP 53 LOT 1	TEMP.	943 ±
<b>Government</b>			
TE-19	TOWN OF SOUTHBOROUGH 17 COMMON STREET; MAP 54 LOT 4	TEMP.	4007 ±
TE-21	TOWN OF SOUTHBOROUGH TOWN COMMON; MAP 54 LOT 6	TEMP.	2907 ±
TE-22	TOWN OF SOUTHBOROUGH OLD CEMETERY 1727 ST MARK'S STREET; MAP 54 LOT T	TEMP.	1064 ±
TE-23	TOWN OF SOUTHBOROUGH LIBRARY 25 MAIN STREET; MAP 54 LOT 7	TEMP.	821 ±
TE-27	SOUTHBOROUGH HOUSING AUTHORITY 1 CORDAVILLE ROAD; MAP 54 LOT 25	TEMP.	394 ±
TE-28	SOUTHBOROUGH HOUSING AUTHORITY 1 CORDAVILLE ROAD; MAP 54 LOT 25	TEMP.	1324 ±
TE-33	TOWN OF SOUTHBOROUGH LIBRARY 25 MAIN STREET; MAP 54 LOT 7	TEMP.	2132 ±



TE-34	TOWN OF SOUTHBOROUGH PUBLIC SAFETY COMPLEX 19 MAIN STREET; MAP 54 LOT 26	TEMP.	2395 ±
TE-40	TOWN OF SOUTHBOROUGH WOODWARD SCHOOL 28 CORDAVILLE ROAD; MAP 54 LOT 92	TEMP.	319 ±
TE-53	TOWN OF SOUTHBOROUGH WOODWARD SCHOOL 28 CORDAVILLE ROAD; MAP 54 LOT 92	TEMP.	1960 ±
TE-64	TOWN OF SOUTHBOROUGH TOWN COMMON; MAP 54 LOT 6	TEMP.	5326 ±

Said parcels being shown on Plan entitled, Massachusetts Department of Transportation Highway Division Preliminary Right of Way Plans Main Street (Route 30) in the Town of Southborough, Worcester County dated February 29, 2016” prepared by Vanasse Hangen Brustlin Inc. A copy of said Plan being on file with the Town Clerk’s office.

And further authorize the Board of Selectmen to have full and exclusive power and authority to defend, settle, compromise, make agreement and order payments of any and all claims, suits and actions which may exist or arise from or on account of the acquisition by gift, purchase or taking by eminent domain, the propriety interests specified herein, or any modifications thereof, and as shown on said plans including structures and trees thereon if any.

To carry out the provisions of this Article, Chapter 90 funds already available will be utilized, or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation:** At Town Meeting

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *This article allows the Selectmen to accept as gifts, or to negotiate, temporary and permanent easements for use on the Main Street Reconstruction Project. Securing easements will be done in accordance with the MassDOT’s rules which include compliance with the Federal Aid Acquisition Guide for Property Owners, posted on the Town’s website. Appraisals will be developed and reviewed by MassDOT approved appraisers, on each parcel.*

**MOTION MADE: To indefinitely postpone the article.**

**MOTION FAILED.**

**MOTION MADE: To combine Articles 4 and 5 for purposes of discussion.**

**MOTION RULED OUT OF ORDER BY THE MODERATOR.**

**MOTION MADE:** That the Town vote to authorize the Board of Selectmen to acquire by gift, donation, purchase or take by eminent domain, pursuant to Massachusetts General Laws, Chapter 79, as amended, certain permanent, temporary and aerial and drainage easements on, over and within certain parcels of land for the purpose of obtaining a secure and improved public right of way and access by widening and reconstructing of Main Street, Route 30, from Sears Road to Park Street.

Said acquisition of such easements comprising of 122 parcels of land located in the Town of Southborough as listed in the warrant.

Said parcels being shown on Plan entitled, Massachusetts Department of Transportation Highway Division Preliminary Right of Way Plans Main Street (Route 30) in the Town of Southborough, Worcester County dated February 29, 2016” prepared by Vanasse Hangen Brustlin Inc. A copy of said Plan being on file with the Town Clerk’s office.

And further authorize the Board of Selectmen to have full and exclusive power and authority to defend, settle, compromise, make agreement and order payments of any and all claims, suits and actions which may exist or arise from or on account of the acquisition by gift, purchase or taking by eminent domain, the propriety interests specified herein, or any modifications thereof, and as shown on said plans including structures and trees thereon if any.

To carry out the provisions of this Article, Chapter 90 funds already available will be utilized, or do or act anything in relation thereto.

**Requires a 2/3 vote.**

**MOTION PASSED. 467 IN FAVOR. 170 OPPOSED.**

**ARTICLE 5:** To see if the Town of Southborough will Vote to request that the Board of Selectmen:

- a. Promptly direct the Department of Public Works to take all steps necessary, without further delay, to repave and repair the section of Main Street extending from Sears Road to East Main Street; and
- b. Direct the Department of Public Works to use the same standards for repaving and repair for this section of Main Street as for the repaving and repair of any similar road section in Southborough, under the Town's own normal road repair standards; and
- c. Cease efforts to obtain by eminent domain or otherwise, any rights in private property for the purpose of converting Main Street to Federal Highway standards.

**Proposed by: SAM STIVERS, STEVE PHILLIPS, and JOHN BUTLER**

**Board of Selectmen Recommendation:** Not Support

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *This Citizen's Petition proposes to promptly repair Main Street in the same way the Town would repair any similar street, and not enlarge the road to meet Federal Highway Standards.*

**MOTION MADE: To indefinitely postpone the article.**

**MOTION PASSED.**

**ARTICLE 6:** To see if the Town of Southborough will vote to amend Chapter 174 of the Code of the Town of Southborough, Massachusetts, Zoning, by deleting the following section in its entirety and inserting in place thereof the following text:

**(1) §174-25.A(3) [Board of Appeals – Variances]**

(3) Variances. The Board of Appeals shall have the power to grant, upon appeal or petition, variances from the terms of this chapter, **not** including use variances, where the Board finds that, due to circumstances relating to soil conditions, topography or shape of land or structures and especially affecting such land or structures but not affecting generally the zoning district in which they are located, literal enforcement of this chapter would involve substantial hardship to the appellant or petitioner and that the desired relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of this chapter. The Board of Appeals may impose conditions, limitations and safeguards not based on the continued ownership by the applicant, petitioner or any owner. If the rights authorized by a variance are not exercised within one (1) year from the date of grant thereof, they shall lapse, and a new petition, notice and hearing will be required for their reestablishment.

**Proposed by: FREDERICA GILLESPIE and SAM STIVERS**

**Board of Selectmen Recommendation:** At Town Meeting

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *This is a citizen's petition to eliminate the use variance from Southborough's zoning code. We believe that the Zoning Board's ability to issue a use variance (i.e., to allow uses in zoning districts that otherwise are not allowed - such as building a commercial project in the middle of a residential neighborhood) is counter to the best interests of the Town. Most Towns in Massachusetts do not permit use variances as use variances are considered to be in conflict with thoughtful master planning and zoning district guidelines. The sponsors believe that overriding the intent of the Town's master plan and zoning districts is an important issue that should be voted on by Town Meeting, rather than by four members of an appointed Zoning Board.*

**MOTION MADE:** That the Town of Southborough vote to amend Chapter 174 of the Code of the Town of Southborough, Massachusetts, Zoning, by deleting section 174-25 A(3) and replacing it with a new section as printed in the warrant.

**Requires a 2/3 vote.**

**MOTION PASSED: 481 IN FAVOR. 25 OPPOSED.**

**Approved by the Attorney General on December 8, 2016.**

**PRESENTATION BY FREDDIE GILLESPIE**

**PRESENTATION BY DAVID MCKAY, ECONOMIC DEVELOPMENT COMMITTEE**

**ARTICLE 7:** To see if the Town will vote to:

(1) Reverse the vote of the Southborough Annual Town Meeting of March 11, 1963 to approve Article 31 – and with this reversal to rescind the town’s adoption of the provisions of MA General Laws Ch 40 sec 8A, authorizing the creation of a Southborough Industrial Commission; and

(2) Reverse the vote of the Adjourned Southborough Annual Town Meeting of May 29, 1975 to approve article 61 – and with this reversal to rescind the Town’s authorization of the creation of a Southborough Industrial Development and Financing Authority as described in MA General Laws Chapter 40D.

**Proposed by: FREDERICA GILLESPIE, SAM STIVERS, and JONATHAN GREEN**

**Board of Selectmen Recommendation:** Not Support

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *This is a citizen’s petition. The sponsors believe that the Town’s approval of the decades-old legislation creating the long-dormant Industrial Commission and the Industrial Development and Financing Authority should be rescinded. The original rationale for these groups (creation of industrial jobs to deal with high unemployment and development of industrial activity in Town) is no longer necessary or appropriate for Southborough. The important function of supporting economic development in Southborough can be fully accomplished by the existing Economic Development Committee - without revival of these long-dormant groups. One of many additional concerns about reviving the Industrial Development and Finance Authority is its ability to issue revenue bonds to finance development projects - outside of the normal Town budget process and outside of the usual necessary approval of Town Meeting for bonding decisions.*

**MOTION MADE:** That the Town vote to:

(1) Reverse the vote of the Southborough Annual Town Meeting of March 11, 1963 to approve Article 31 – and with this reversal to rescind the town’s adoption of the provisions of MA General Laws Ch 40 sec 8A, authorizing the creation of a Southborough Industrial Commission; and

(2) Reverse the vote of the Adjourned Southborough Annual Town Meeting of May 29, 1975 to approve article 61 – and with this reversal to rescind the Town’s authorization of the creation of a Southborough Industrial Development and Financing Authority as described in MA General Laws Chapter 40D.

**MOTION PASSED.**

**ARTICLE 8:** To see if the Town of Southborough will Vote to strongly request that the appropriate authorities, including Board of Selectmen and Planning Board:

- a. At the future time when traffic from the currently proposed Park Central development or any development may begin to access Flagg Road, the Town will close Flagg Road at the culvert near the Rt 9 end (at a point near the

parcels at #72 and #77 Flagg Road), just northeast of the connector road. Traffic to/from the Park Central development will be routed only onto the southwestern "stub" of Flagg Road to Rt 9 without access to the northeastern part of Flagg Road beyond the closure point.

- b. Notify the Park Central neighborhood residents and the Park Central developer that the town is making the aforementioned change to Flagg Road, and that access will not be available from the development.
- c. Install a locked gate at the closure location in order to allow access for Town emergency vehicles, school buses and other Town vehicles, as has been done at similar locations in Town.

**Proposed by: DEBORAH DeMURIA & KEVIN FARRINGTON**

**Board of Selectmen Recommendation:** At Town Meeting

**Advisory Committee Recommendation:** Support

**Summary:** *This article proposes a conditional request from the Town to the Board of Selectmen to consider closing Flagg Road, near Route 9, in the event of traffic flowing from the Park Central site onto Flagg Road. The purpose of this citizen request is to address the increased danger for pedestrians (including school children in and near school zones), bicyclists and vehicles, with any Park Central traffic.*

*Conditioned upon the event of any development at Park Central, closing Flagg Road to the Park Central development would prevent cut-through traffic on narrow, winding residential roadways, including Flagg Road (past school zones for two of the town's four public schools), Deerfoot Road, Lovers Lane, Lynbrook Road, and Clifford Road. These narrow, winding State-designated scenic roadways, which embody the character of Southborough, are sensitive residential roadways that are lined with stone walls and mature trees. This article enables the Selectmen to gauge the level of support within the Town to take measures to preserve the safety of our children and residents on these winding, narrow residential roadways.*

**MOTION MADE:** That the vote to strongly request that the appropriate authorities, including Board of Selectmen and Planning Board:

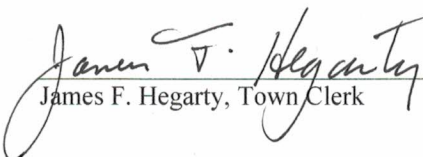
- a. At the future time when traffic from the currently proposed Park Central development or any development may begin to access Flagg Road, the Town will close Flagg Road at the culvert near the Rt 9 end (at a point near the parcels at #72 and #77 Flagg Road), just northeast of the connector road. Traffic to/from the Park Central development will be routed only onto the southwestern "stub" of Flagg Road to Rt 9 without access to the northeastern part of Flagg Road beyond the closure point.
- b. Notify the Park Central neighborhood residents and the Park Central developer that the town is making the aforementioned change to Flagg Road, and that access will not be available from the development.
- c. Install a locked gate at the closure location in order to allow access for Town emergency vehicles, school buses and other Town vehicles, as has been done at similar locations in Town.

**MOTION PASSED: 232 IN FAVOR. 103 OPPOSED.**

At 11:44 PM, it was voted unanimously to dissolve the SPECIAL TOWN MEETING.

True Copy

Attest:

  
James F. Hegarty, Town Clerk



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**A**t the Annual Town Meeting duly called and held in the P. Brent Trottier Middle School, Southborough, on Monday, April 25, 2017 at 7:00PM, the following ARTICLES were voted on in a legal manner. There was a quorum present (100 Voters = quorum); 256 voters were present.

**The Town Moderator, Stephen A. Morreale, called the meeting to order at 7:05pm.**

<b>MOTION TO WAIVE THE READING OF THE WARRANT PASSED.</b>
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**ARTICLE 1:** To hear reports of the various Town Officers and Committees and to take such action thereon as the Town may vote.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation:** At Town Meeting

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *To hear reports of Town Boards, Committees or Commissions.*

<b>MOTION TO HEAR REPORTS OF THE VARIOUS TOWN OFFICERS AND COMMITTEES AND TO TAKE SUCH ACTION THEREON AS THE TOWN MAY VOTE PASSED.</b>
--

<p><b>MOTION MADE:</b> That the Town vote that on Town Meeting matters requiring a two-thirds vote by statute, the Town Moderator may declare the two-thirds vote without taking a count, and said declaration shall take the place of the statutory counted vote; provided that the vote so declared is not immediately questioned by seven or more voters as provided in Chapter 39, Section 15 of the General Laws. If the vote is questioned, the Moderator shall immediately put the question to another vote and take a count which shall then be recorded by the Town Clerk.</p>
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<b>MOTION PASSED.</b>
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**ARTICLE 2:** To see if the Town will vote to accept any sum of money from St. Mark's School, Fay School, Harvard Medical School, L'Abri Fellowship, The New England Center for Children, and any other contributor and deposit same amount in Estimated Receipts Account, and determine what disposition shall be made of the same, if accepted, or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *To allow the Board of Selectmen to accept donations from Tax Exempt organizations and determine the disposition of funds.*

<p><b>MOTION MADE:</b> That the Town vote to accept any sum of money from St. Mark's School, Fay School, Harvard Medical School, L'Abri Fellowship, The New England Center for Children, and any other contributor and deposit same amount in Estimated Receipts Account, and determine what disposition shall be made of the same, if accepted</p>
---

<b>MOTION PASSED.</b>
-----------------------

**ARTICLE 3:** To see if the Town will vote to authorize the Town Treasurer, with the approval of the Selectmen, to borrow from time to time in anticipation of revenue of the financial year beginning July 1, 2017 in accordance with the provisions of Massachusetts General Laws, Chapter 44, and to issue a note or notes as may be given for a period of less than one year in accordance with Massachusetts General Laws, Chapter 44, Section 17 as amended, or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

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**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *This article allows the Town Treasurer to short-term borrow in anticipation of revenue.*

**MOTION MADE:** That the Town vote to authorize the Town Treasurer, with the approval of the Selectmen, to borrow from time to time in anticipation of revenue of the financial year beginning July 1, 2017 in accordance with the provisions of Massachusetts General Laws, Chapter 44, and to issue a note or notes as may be given for a period of less than one year in accordance with Massachusetts General Laws, Chapter 44, Section 17 as amended.

**MOTION PASSED UNANIMOUSLY.**

**ARTICLE 4:** To see if the Town will vote in accordance with the provisions of Massachusetts General Laws Chapter 30B, Section 12(b), to authorize the Board of Selectmen or the Superintendent of Schools to solicit and award contracts for terms exceeding three years, including any renewal, extension or option, provided in each instance the longer term is determined to be in the best interest of the Town by a vote of the Board of Selectmen or the School Committee, as appropriate, or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation:** Support

**Advisory Board Recommendation:** At Town Meeting

**Summary:** *This article allows the Selectmen and/or the School Committee to enter into contracts in excess of three years, if deemed in the best interest of the Town to do so. This has been an annual article, and the exemption has been limited to contracts of no more than seven years.*

**MOTION MADE:** That the Town vote in accordance with Massachusetts General Laws Chapter 30B, Section 12(b) to authorize the Board of Selectmen and Superintendent of Schools to solicit and award contracts for terms exceeding three years to a maximum of seven years, including any renewal, extension or option, provided in each instance the longer term is determined to be in the best interest of the Town by a vote of the Board of Selectmen or the School Committee.

**MOTION PASSED UNANIMOUSLY.**

**ARTICLE 5:** To see if the Town will vote to accept the following changes, as noted in BOLD in the Personnel Salary Administration Plan, as specified in Chapter 31 of the Code of the Town of Southborough, entitled: PERSONNEL.

SALARY ADMINISTRATION PLAN AND PERSONNEL BY-LAWS  
OF THE TOWN OF SOUTHBOROUGH  
[revised at April 25, 2017 Annual Town Meeting]

This by-law establishes a Salary Administration Plan for the Town of Southborough that (i) groups position classifications in Town services, (ii) establishes salary schedules and employee benefits and (iii) establishes and authorizes the Personnel Board to administer **and/or delegate duties within** the by-law in representing the interest of both the taxpayers and the Town employees. **(iv) modifications made to the bylaw in 2017 pertain to establishing the role and level of authority of the Assistant Town Administrator/Human Resource Director (i.e. Assistant Town Administrator/Human Resource Director). All administrative policies and practices shall be prepared by the Assistant Town Administrator/Human Resource Director and approved by the Personnel Board [such as holiday pay, sick leave, vacation pay, or such other benefits.]**

This Salary Administration Plan applies to the positions of all officers and employees in the service of the Town, whether full-time, part-time, temporary, seasonal, special or any other, except those positions filled by popular election, under the direction and control of the School Committee, or encompassed in any officially recognized labor

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union and/or association. The positions covered by this Salary Administration Plan are hereby classified by titles in the groups listed in Schedule A through F ("Classification Schedule") as set forth in Section 20 of this by-law.

The classification of positions subject to the Massachusetts Welfare Compensation Plan (as amended) and the scheduled rates therefor, as well as the applicable provisions of the Massachusetts General Laws relating to the application of rates set forth in the aforementioned Welfare Compensation Plan are hereby incorporated by reference.

#### SECTION 1. DEFINITIONS

As used in this by-law, the following words and phrases shall have the following meanings:

"Administrative Authority" means the elected or appointed official or board having jurisdiction over a function or activity.

"Anniversary Date" means the date 180 days after (i) the first day of employment or (ii) the date of any promotion, whichever is later.

"Base Pay" means the compensation paid by the Town of Southborough for the purposes of determining retirement credits and contributions for Town employees.

The Town shall contribute funds as required for each eligible employee in accordance with the procedures and formula established by the Worcester Regional Retirement System and the by-laws of the Town of Southborough. Contributions shall include (i) wages earned during the first eight hours worked in any one day (no contributions shall be made for hours worked in excess of 40 per week,) (ii) any lump sum bonus that is guaranteed by the Salary Administration Plan or the By-Laws of the Town, (e.g., longevity pay); (iii) vacation pay, except when paid in lieu of taking vacation; (iv) sick pay; and (v) holiday pay.

"Class" means a group of positions in the Town service sufficiently similar with respect to duties and responsibilities such that for each position the same (i) descriptive title may be used, (ii) qualifications shall be required, (iii) tests of fitness may be used to choose qualified employees and (iv) scale of compensation can be equitably applied.

"Classification Schedule" means any of Schedules A, B, C, D, E and F of Section 20 hereof.

"Compensation Grade" means a range of salary/wage rates as may appear in the Classification Schedules.

"Continuous Full-Time Service" means employment requiring a predetermined minimum work period that is uninterrupted except for authorized leaves (e.g., vacation, sick, etc.).

"Continuous Employment" means full-time or part-time employment that is uninterrupted except for authorized leaves (e.g., vacation, sick, etc.).

"Department" means a functional unit of Town government.

**"Delegated Authority" means those tasks and duties which, unless otherwise restricted by specific language in the SAP and that the Personnel Board has agreed, can be prospectively performed by the Assistant Town Administrator/Human Resource Director.**

"Department Head" means the person appointed and responsible to carry out the duties of a Department.

"Full-Time Employment" means employment for not less than 20 hours per week for fifty-two weeks per annum, excepting authorized holidays and leave periods.

"Group" means a group of classes as may appear in the Classification Schedules.



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“Maximum Rate” means the highest compensation rate to which an Employee is entitled.

“Minimum Rate” means the lowest rate in a range, and is normally the hiring rate of a new employee.

On-Call Compensation: refers to additional money paid to an employee who is required to work when the need requires; oftentimes in an evening or weekend capacity.

“Part-Time Employment” means employment less than 20 hours per week.

“Position” means an office or post of employment in the Town service with duties and responsibilities calling for the Full-Time or Part-Time Employment of one person in the performance and exercise thereof (or of more than one person sharing the same position).

“Position Class” means the same as “Class” (note that a class may include only one position, in which event it is defined as a “single position class”).

“Promotion” means a change from one position to another position in a higher class and/or compensation grade.

“Range” means the difference between minimum and maximum rates of an assigned grade.

“Rate” means the measure of compensation for personal services on an hourly, weekly, monthly, annual or other basis.

“Salary Administration Plan” means this Salary Administration Plan and Personnel By-Laws of the Town of Southborough.

“Single Rate” means a rate for a specific position class that is not in a designated range.

## SECTION 2. POSITION TITLES

No person shall be appointed, employed or paid in any position under any title other than those of the Classification Schedule for which the duties are actually performed. The position title in the Classification Schedule shall be the official title for all purposes, including payrolls, budgeting and official reports.

## SECTION 3. NEW OR CHANGED POSITIONS

No new position shall be established, nor the duties of an existing position so changed that a new level or work demand exists, unless upon presentation to the Personnel Board of substantiating data satisfactory **to the Assistant Town Administrator/Human Resource Director**. The Board shall allocate the position to its appropriate classification grade and establish the salary therefor, **based on the recommendation of the Assistant Town Administrator/Human Resource Director in conjunction with the department head and subject to verification of funding**

## SECTION 4. RECLASSIFICATION OF EMPLOYEES

No position may be reclassified to another grade, whether higher or lower, unless the **Assistant Town Administrator/Human Resource Director** shall have determined such reclassification is consistent with this Salary Administration Plan, and it shall be approved **by the Personnel Board prior to** an annual or special town meeting.

## SECTION 5. JOB DESCRIPTIONS

The Personnel Board **or a designated authority** shall maintain written job descriptions of the position classes in the Classification Schedule, each consisting of a statement describing the essential nature of the work required of such classes. Each Department Head shall maintain copies of current official job descriptions **as held in administered**

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**personnel files. Changes shall be submitted for review** to the Personnel Board (following any review by the Board of Selectmen or their designated appointee or the appropriate Commissioners or Trustees). The description for any class shall not be deemed to limit the duties or responsibilities of any position, nor to affect in any way the power of any administrative authority to appoint, to assign duties to, or to direct and control the work of any employee under the jurisdiction of such authority.

SECTION 6. COMPENSATION

a. The bi-weekly pay period shall begin at 12:00 a.m. Thursday and shall end at 11:59 p.m. on the following second Wednesday.

b. Non-exempt employees subject to this Salary Administration Plan shall be paid for one and one-half hours worked for any hour worked in the excess of forty in their weekly pay period, provided such extra hours were authorized by the Department Head.

c. The salary schedules set forth in Schedules A, B, C, D, E and F of Section 20 hereof reflect the maximum and minimum salaries for each grade.

d. Salary set forth in Schedule A represents a 40 hour work week and in the event an employee works less than 40 hours per week but more than 20 hours per week, the indicated salary is pro-rated reflective of the posted salary schedule in Schedule A.

e. Amounts paid to employees in reimbursement for expenses incurred in the performance of their duties (e.g., mileage, meals, dues, etc.) shall be paid in addition to their compensation. Reimbursement shall be based upon the actual documented expenditure made by the employee, or at rates established by the Internal Revenue Service, supported by that agency's requirements for documentation.

f. On-Call Compensation: Employees shall be eligible to earn a weekly stipend not to exceed \$200.00 per week for on-call service if the department head has required them to work outside of their normal schedule. This need is likely to occur on an evening or weekend basis as the need requires. There is no provision to accrue compensation time in lieu of payment.

SECTION 7. ADJUSTMENT & COMPENSATION POLICIES

Every employee that is in Continuous Full-Time or Part-Time service of the Town, as computed from the date of their latest employment, shall be eligible annually for consideration of a merit increase, one year from the date of his/her latest increase. Except as may be authorized by the Personnel Board in exceptional circumstances, such increase is not to exceed one increase in any single twelve-month period until the maximum of the grade is obtained, and such increase shall be subject to the recommendation of the Department Head, with the approval of the Board of Selectmen or their designated appointee, or the appropriate Commissioners or Trustees.

Retroactive merit increases voted by the Personnel Board shall not be compensated beyond July 1 of that fiscal year, regardless of the funding mechanism.

An evaluation of the employee's performance, in a format approved by the Personnel Board, must accompany a request for an increase. Upon receiving such documentation, the Personnel Board shall have final review and approval of all adjustments **which exceed the annually approved percentage for that fiscal year. Any such evaluation which requests an increase that matches the normal adjustment annually approved by the Personnel Board, may be processed by the Assistant Town Administrator/Human Resource Director.**

An employee may appear before the Personnel Board prior to its action on any request for a merit increase. Any employee denied such an increase may appeal, in writing, to the Personnel Board, which shall confer with the employee, **Assistant Town Administrator/Human Resource Director**, the Department Head and the Board of Selectmen or their designated appointee, or the appropriate Commissioners or Trustees, and shall decide the matter.

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b. Regular Part-Time employees shall be eligible for consideration for merit increases within their grade one year from the date of their last increase.

Special and other Part-Time personnel for whose positions there is a single rate established in Schedule D shall not be eligible for adjustment.

#### SECTION 8. TRANSFERS AND PROMOTIONS

a. An employee who is promoted to a job with a higher range or rate of pay shall enter it at the rate recommended by the Department Head with the approval of the Personnel Board. The employee may also receive at the time an increase, provided the maximum for the job is not exceeded, if the Department Head recommends that qualifications and performance warrant it and the **Assistant Town Administrator/Human Resource Director** approves. **The Assistant Town Administrator/Human Resource Director, in concurrence with the Department Head, may approve a probationary period in the new job (which shall not exceed six months).**

b. An employee transferred to a job with a lower range or rate of pay shall enter it at the rate paid for the previous position or at the maximum rate for the job, whichever is the lower, provided the **Assistant Town Administrator/Human Resource Director** approves. The employee shall have a right to appeal this decision, in writing, to the Personnel Board, which shall confer with the employee, the Department Head and the **Town Administrator**, or the appropriate Commissioners or Trustees, and shall decide the matter.

#### SECTION 9. NEW PERSONNEL

a. Pre-employment physical examinations will be required of newly-hired employees consistent with the Town's policies.

b. A new employee's hiring rate up to the mid-point of the hiring range shall be set by the Town Administrator. **Requests to set a hiring rate beyond the mid-point shall be recommended by the Assistant Town Administrator/Human Resource Director and subject to approval by the Personnel Board.**

c. For new hires, the first six months of employment shall be a probationary period at the end of which the employee may receive a merit increase based on the approved annual percentage set by the Personnel Board, provided that the Department Head recommends and the **Assistant Town Administrator/Human Resource Director** has approved it. Any increase in excess of the approved annual percentage must be authorized by the Personnel Board. This probationary rate increase shall apply only at the start of employment and shall not apply in case of transfer or promotion from one job to another. The effective date of the new position shall then become the employee's new anniversary date for merit increases. [Longevity and paid leave accruals shall be based on the original hire date]. During any such probationary period, benefit eligible employee(s) nevertheless will earn vacation, sick and personal time in accordance with Section 11(b) hereof.

The employee shall thereafter be reviewed for a rate increase one year from the date of the employee's latest increase, based on a **completed** performance evaluation.

#### SECTION 10. DEPARTMENT BUDGETS

Each Department Head shall include in the annual departmental budget a pay adjustment section to provide funds for all anticipated pay adjustments, with expenditures to be made only in accordance with this Salary Administration Plan and with the approval of the Personnel Board. Degree bonus [Sec 11i (1)] funds shall also be budgeted in the departmental budget.

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SECTION 11. EMPLOYEE BENEFITS

Employee benefits are a cost to the Town and a form of “indirect pay” to employees. The benefits listed below are not intended to supersede what State or Federal law may otherwise require.

All forms of paid leave set forth in the SAP may represent a 40 hour work week; in the event an employee works less than 40 hours per week but more than 20 hours per week, the indicated benefit shall be pro-rated reflective of the approved hours per week for that position.

a. Holidays with Pay

Each eligible Employee shall receive one day's pay at their regular rate for the following:

New Year's Day	Labor Day
Martin Luther King Day	Columbus Day
Presidents' Day	Veteran's Day
Patriot's Day	Thanksgiving Day
Memorial Day	Day after Thanksgiving Day
Independence Day	Christmas Day

Day before or after Christmas Day (as set by the Town annually)

To be eligible for holiday pay, an Employee must work (or be duly excused from working) their regular scheduled days preceding and following the holiday. Employees who do not work 20 hours or more per week on a regular basis shall not be compensated for holidays.

Employees whose regular day off falls on a holiday may have one day off with pay within the ensuing thirty days in lieu of holiday pay, with the specific choice of day subject to Department Head approval. Furthermore, the day granted in lieu of holiday pay shall not cross fiscal years.

Vacations with Pay

Regular Full-Time Employees who have been in the continuous employ of the Town shall earn paid vacation in accordance with the following schedule:

Years of Employment	Hours Earned per month
0-5	6.666
6-10	10.0
11-15	13.333
16 or more	16.666

Employees hired prior to July 1, 2005, shall be eligible to earn twenty hours per month after serving twenty years of full time employment with the Town.

(2) At the recommendation of the hiring authority and upon the approval of the Personnel Board, new employees entering into a position with the Town of Southborough from a similar position in another municipality or similar government agency will be allowed to enter into the vacation schedule using their years of service from their prior employment, up to a maximum of three week's vacation [pro-rated] for the first year of employment with the Town. Employees commencing employment with three weeks per year will be required to complete five years of service before ascending to the next band in the vacation schedule chart.

The probationary period for new hires would still apply.

(3) Vacation shall be granted by Department Heads at their discretion subject to the regular work needs of the department. An employee shall be permitted to carry over to the following year one year's worth of earned vacation.

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The employee must have the Department Head's approval to take any portion of a prior year's unused vacation in addition to the days earned in the current fiscal year.

(4) If in the opinion of the Department Head there are unusual work-related circumstances that warrant it, a department head may seek approval from the Town Administrator, to allow the employee to continue to work and receive vacation pay in lieu of taking vacation. Approval granted in this section may not exceed ten days per fiscal year.

(5) In the event of termination of employment other than for cause, the employee shall be paid, or be entitled to time off with pay, for any accumulated vacation time. Personal and sick leave shall not be compensated at termination.

c. Sick Leave

(1) All regular Full-Time Employees shall be entitled to accrue 10 sick hours per month, equaling 120 hours annually (15 sick days); employees working less than 40 hours in a weekly pay period will accrue ratably based on hours worked per week. Pay for each day of sick leave shall be at the regular rate. Absences on account of sickness in excess of that authorized shall be charged to vacation or other available paid leave. Sick leave shall be payable only in cases of genuine illness, non-work connected accident, or work connected accidents not covered by Massachusetts General Laws Chapter 152 (Workers' Compensation).

(2) Unused sick leave may be accumulated without limitation for employees hired before July 1, 2007. Employees of the Town of Southborough hired on or after July 1, 2007 may only accrue 120 sick days at any one time. At retirement [or death] only, the Town will pay the employee twenty percent (20%) of the employee's then-accumulated sick leave.

(3) Employees who because of genuine illness or a non-work connected accident are absent for a period of more than three days shall be required to present a doctor's certificate to their Department Head before returning to work stating the reason, the period of time the employee was absent and whether there are any physical restrictions or required outpatient services the employee must adhere to in the workplace.

(4) Annually, an employee may use up to seven of the allowed fifteen days of sick leave for the care of a sick family member.

d. Personal Days

Each employee shall be entitled to three personal days per year, to be granted annually on the anniversary of the employee's date of hire. New employees shall be granted three personal days which shall be pro-rated based on hours worked per pay period. Requests for personal days shall be approved by the Department Head. Personal days shall not accumulate from year to year.

e. Military Leave

(1) Reserve Duty: An employee in full-time employment in the military reserve shall be paid the difference between compensation received while on reserve duty and regular compensation rates paid the employee by the Town. Such payment by the Town shall be limited to a period not to exceed two weeks in any twelve-month period.

(2) Active Duty: Pursuant to Article 8 of the April 11, 2005 Annual Town Meeting, an employee in the federal military reserve or a state National Guard who is called to active service shall be entitled to their regular base salary

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and shall not lose any seniority or paid leave benefits while on military leave; *provided*, however, that such base pay shall be reduced by any amount received from the United States as pay or allowance for military service performed.

f. Jury Duty

Any employee who is called to jury duty shall be paid the difference between their normal compensation and the amount (excluding any travel allowance) received from the court, upon presentation of evidence of the amount paid by the court.

g. Miscellaneous Paid Time Off

Working time lost from regularly scheduled work days for reasons listed below shall be without loss of pay, provided such lost time is authorized by the Department Head:

- (1) Bereavement leave – In the event of the death of a spouse, father, mother, child, father-in-law, mother-in-law, brother, sister, grandparent, or of any other person then residing with the employee, such employee shall be entitled to receive three days' leave for the purpose of the funeral and services of the deceased. If out-of-state travel is required, the Town Administrator may authorize up to two additional days of travel time.
- (2) Medical examination or inoculation required by the Town.
- (3) Blood donation authorized by the Department Head.
- (4) Attendance at professional and educational programs authorized by the Department Head.

h. Court Time Pay

If the Town requires that an employee appear in Court as a witness or in any other capacity arising from the performance of the employee's duty, or on behalf of the Commonwealth or the Town in any civil or criminal case pending in any Court or other official governmental board or agency, then for any such appearance that is made outside of the employee's normal working hours the employee shall be entitled to overtime compensation for every hour or fraction thereof during which they appear (but in no event less than three hours of such overtime pay).

i. Employee Educational Support/Professional Development

Degree Bonus: All full **and part time** employees who, while an employee of the Town, earns a degree in a field applicable to their position from an accredited college or university, shall receive a one-time bonus subject to appropriation, according to the following schedule:

Associates Degree....	\$ 800.00
Bachelors Degree...	\$1,200.00
Masters Degree.....	\$1,500.00

A copy of the completed transcript, diploma or other appropriate evidence of the completed degree must be presented to the Department Head and **the Assistant Town Administrator/Human Resource Director**, and shall be submitted as documentation for accounts payable.

- (2) Tuition reimbursement: As administered through **the Assistant Town Administrator/Human Resource Director** and subject to the procedure below, the Town may provide tuition reimbursement to any full **or part time** employee for a course that applies to the employee's specific position and for which the **employee submits written verification** of a grade of "B" or better.

Approval Procedure: Town funds must first be appropriated by Town Meeting in the Personnel Board's fiscal year budget. If funds are appropriated, then no later than August 31<sup>st</sup> of each year interested employees shall advise **the**

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**Assistant Town Administrator/Human Resource Director** in writing of their interest in **registering for** courses during the fiscal year, detailing the cost of tuition. Thereafter the **Assistant Town Administrator/Human Resource Director** will review all such requests based on available funds and authorize reimbursements based on the number of requests.

(4) Reimbursement: If an employee resigns employment within twelve months of such reimbursement, the employee shall be responsible to repay the amount paid to them by the Town.

j. Group Medical Insurance

Starting July 1, 2009, the Town will contribute fifty percent (50%) of the cost of a medical indemnity plan or seventy-five percent [75%] of the cost of a Health Maintenance Organization plan.

#### SECTION 12. UNPAID LEAVES OF ABSENCE

A leave of absence without compensation may be granted by the Assistant Town Administrator/Human Resource Director.

Leaves of absence of over three months' duration (except Military Leave) shall be deemed a break in employment, and on return to work the employee shall have the status of a new employee unless an extension of leave beyond three months was authorized by the **Assistant Town Administrator/Human Resource Director**.

#### SECTION 13. TRANSITIONS BETWEEN FULL-TIME AND PART-TIME STATUS

a. A Part-Time employee shall be eligible for Full-Time status when the employee has worked 20 hours or more per week for a period of at least three consecutive months, subject to approval by the Department Head.

b. A Full-Time employee whose hours of employment total less than 20 hours per week for a period of more than three consecutive months shall thereafter be deemed a Part-Time employee.

#### SECTION 14. APPOINTMENT OF "ACTING" DEPARTMENT HEADS

a. In the absence (or retirement) of a Department Head for three consecutive weeks, the Board of Selectmen or appropriate board or commission may appoint an "Acting" Department Head to serve for a period of not more than three months. Such three-month period may be extended for up to three additional three-month periods, upon the approval of the Board of Selectmen or other appropriate board or commission for each such extension. In no case shall an appointment of an "Acting" Department Head exceed one year.

b. Duly appointed "Acting" employees shall be compensated at an additional 10% per week, payable retroactively only upon the conclusion of three consecutive weeks of service by the "Acting" employee. Such employees shall still be eligible for overtime pay when fulfilling regular duties from the previous job beyond normal working hours.

#### SECTION 15. PERSONNEL BOARD

a. There shall be a Personnel Board to administer the Salary Administration Plan. Said Board is to be appointed by the Town Moderator. The Board shall consist of five voters other than employees of the Town or those regularly serving the Town in any elective capacity. They shall serve without compensation.

b. Other than as may be needed to fill unexpected vacancies, appointments shall be for three years. The Moderator shall fill any vacancies. The Personnel Board may employ assistance and incur expenses as it deems necessary, subject to appropriation of funds thereof.

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SECTION 16. DUTIES OF THE PERSONNEL BOARD

a. The Personnel Board shall administer the Salary Administration Plan and shall establish such policies, procedures and regulations as it deems necessary for the administration of the Plan.

b. The Board shall meet annually in July and organize by the choice of a Chair and Clerk. The Board shall meet at least monthly, except for the month of August. A majority of the Board shall constitute a quorum for the transaction of business. The votes of the majority of all the members of the Board shall be necessary on any matter upon which it is authorized to or required to pass under the Salary Administration Plan.

c. The Personnel Board shall maintain records of all employees subject to this Plan as it deems desirable, including personnel evaluations. Such records are to be kept by the Assistant Town Administrator/**Assistant Town Administrator/Human Resource Director**, under the direction of the Personnel Board. Department Heads shall furnish such information as requested by the Board.

d. The Personnel Board shall from time to time, but no less often than every federal election year, review the Classification Schedule, Salary Schedules, and administration policies of the Salary Administration Plan. It shall keep informed as to pay rates and policies outside the Town, and shall recommend to the Town any action that the Board deems desirable in that regard. The Personnel Board may tentatively add a new class to the Classification Schedule or reallocate an existing class to a different compensation grade, either higher or lower, subject to the subsequent ratification of its action by formal amendment of the Salary Administration Plan at the next Annual Town Meeting.

e. Between November and January of each fiscal year, the Personnel Board may vote an annual adjustment (but shall reserve the right to vote no adjustment) to the Classification Schedule and establish the effective rate for employees of each grade for the next fiscal year, subject to the subsequent ratification of its action by formal amendment of the Salary Administration Plan at the next Town Meeting. The Personnel Board shall base any annual adjustments upon available relevant information; **approval of the rate for any given employee is not guaranteed and is driven by the annual performance evaluation.**

f. Matters of concern by SAP employees that are communicated in writing to the Chair of the Personnel Board will be scheduled on an agenda at the next available meeting **providing all necessary and requested information has been submitted in time to be included as part of the meeting packet.** In addition, notice in writing shall be forwarded to the concerned employee and respective Department Head within seven days of the Board's decision. Notwithstanding the foregoing, if the Personnel Board shall so request and the concerned employee and Department Head shall agree, a reasonable extension of these time periods may be granted.

g. Upon recommendation of a Department Head, supported by evidence in writing of special reasons and exceptional circumstances satisfactory to the Personnel Board, the Board may authorize variances in the Salary Administration Plan as it may deem necessary for the proper functioning of the services of the Town, and to effectuate the basic intent of the Plan.

SECTION 17. EMPLOYEES AND THE PERSONNEL BOARD

a. All employees covered by this Salary Administration Plan shall have the right to request an appointment to confer with the Personnel Board on any matter of interest or concern to them that is covered by the Salary Administration Plan. The employee shall notify the Department Head in writing in advance of the desire to discuss the matter with the Board. One of the duties of the Board shall be to foster mutual understanding and good will with the personnel of the Town.

b. To facilitate this, if any employee should feel aggrieved by the operation of any provision of the Plan, the employee shall first discuss the matter with the Department Head, in a mutual effort to clear up any problems or misunderstanding.



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c. If two weeks after such a conference a satisfactory understanding and solution of the problem has not been reached, then either the Department Head or the employee may take the matter to the Personnel Board, and the Board shall hear the parties not later than at its next regular meeting. There shall be no discrimination or prejudice by a Department Head against any employee who may take a matter to the Board.

SECTION 18. AMENDMENT OF THE PLAN

The Salary Administration Plan may be amended in the same manner that Town By-Laws may be amended. However, no amendment to the Plan shall be made until it has been presented by a signed petition to, and acted upon by, the Personnel Board. Upon receipt of such a written petition, the Board, after giving the petitioner(s), the Department Head(s) and the affected employee(s) at least two weeks' written notice, shall hold a hearing to consider the proposed amendment. If the Personnel Board approves of any proposed amendment, it shall bring it before the next available Town Meeting for its consideration. If the Personnel Board disapproves any proposed amendment or shall fail to act thereof within fifteen days after the hearing (which failure shall be deemed disapproval), the petitioner(s) may the present the petition to the next available Town Meeting for its consideration. The Board of its own motion, after a similar hearing and/or conference with parties interested, may propose an amendment to the Plan.

SECTION 19. SEVERABILITY PROVISION

In the event that any provision of this by-law, or application thereof, shall be held to be invalid by the proper authorities, this shall not be construed to affect the validity of any other provision, or application thereof, of this by-law.

SECTION 20: CLASSIFICATION SCHEDULE

SCHEDULE A: FULL-TIME SALARY GRADED POSITIONS

	Minimum	Midpoint	Maximum
1	\$35,000	\$40,250	\$45,550
2	\$37,625	\$43,269	\$48,913
3	\$40,447	\$46,514	\$52,581
4	\$45,000	\$52,875	\$60,750
5	\$48,375	\$56,841	\$65,306
6	\$52,003	\$61,104	\$70,204
7	\$62,500	\$75,000	\$87,500
8	\$73,438	\$88,125	\$102,813
9	\$86,289	\$103,547	\$120,805

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POSITION TITLE	PAY GRADE
DEPARTMENT HEADS & MANAGEMENT STAFF	
Director of Public Works	9
Finance Director – Treasurer-Collector	
Assistant Town Administrator/ <b>Assistant Town Administrator/Human Resource Director</b>	8
Director of Facilities	
Library Director	
Building Commissioner	
IT Manager	
<b>Police Lieutenant**</b>	
Principal Assessor	
Town Accountant	
Director, Youth & Family Services	7
Director, Council on Aging	
Director of Recreation	
Town Planner	
SUPERVISORS & TECHNICAL STAFF	
Assistant Town Clerk	6
Conservation Agent	
Assistant Director, Youth & Family Services	
Outreach Coordinator	
Business Administrator <b>II</b>	5
Children's Librarian	
Staff Engineer	
Executive Assistant to the Board of Selectmen	
Program Coordinator	
<b>Business Administrator I</b>	4
Maintenance <b>Technician</b>	
Assistant Treasurer/Collector	
Assistant Town Accountant	
ADMINISTRATIVE & SUPPORT STAFF	
Administrative Assistant	3
Administrative Assistant II	
Senior Library Assistant	
Library Assistant	2
Maintenance Mechanic	
Maintenance Custodian	1

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\*Increases in salary rates exceeding the maximum will be considered on a case by case by the Personnel Board, **per Section 16 (g).**

**\*\* In addition to all the benefits provided employees under the SAP, the Police Lieutenant may be eligible for some additional benefits as provided members of Mass COP Local 167, the police union collective bargaining agreement.**

SCHEDULE B:

SCHEDULE C: PART-TIME HOURLY GRADED POSITIONS

Seasonal Laborer .....	1
Electrician .....	2
Seasonal Laborer II.....	2
Summer Program Assistant, Youth Commission .....	2
Election Worker (P.T.) .....	3
Page, Library .....	3
Election Warden (P.T.).....	4
Substitute Custodian .....	5
Receptionist .....	8
Secretary, Town Committee .....	8
Interim Public Safety Communications Officer .....	9
Part-Time Police Dispatcher.....	9
Technical Specialist.....	9
Administrative Assistant.....	10
Animal Control Officer .....	11
Business Assistant/Library Associate .....	11
Reserve Police Officer.....	11
Technical Specialist II .....	11
Tree Warden .....	11
<b>Economic Development Coordinator.....</b>	<b>12</b>
Interim Police Officer (Reserve) .....	12
Electrician .....	13
Nurse .....	13
Public Health Director .....	13

\*While serving as an Interim Police Officer (Reserve), an employee will fall under Grade 12. After the interim designation, has ended, the employee will revert to the Grade 11 classification.

Hourly Rates for Part-Time Positions

Grade	Minimum	Midpoint	Maximum
1	Min wage*	Midpoint	\$10.00
2	\$8.34	\$10.35	\$12.35
3	\$8.84	\$10.91	\$12.98
4	\$9.26	\$11.52	\$13.78
5	\$9.71	\$12.10	\$14.49
6	\$10.25	\$12.74	\$15.22

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7	\$10.73	\$13.34	\$15.95
8	\$11.26	\$14.02	\$16.77
9	\$11.82	\$14.72	\$17.62
10	\$12.54	\$15.60	\$18.66
11	\$13.87	\$19.44	\$25.00
12	\$21.00	\$27.50	\$34.00
13	\$29.00	\$35.00	\$41.00

\*Increases in pay rate for long term employees will be considered case by case by the Personnel Board.

**\*The Town of Southborough compensates employees according to the state minimum wage rate. The wage schedule above will be re-designed in FY18. In the interim, no non-union Town position will be compensated at less than the state minimum wage.**

SCHEDULE D: FIRE DEPT POSITIONS (not covered by Collective Bargaining Agreement)

<u>Grade</u>	<u>Proposed Pay Structure</u>	<u>Drills</u>	<u>Boxes</u>	<u>Signal 55</u>
1	Firefighter (Entry Level)	0.00	0.00	0.00
2	Firefighter I Certified	18.00	16.00	16.00
3	Firefighter I/II Certified	19.00	17.00	17.00
4	Firefighter I Certified/Operator	20.00	18.00	18.00
5	Firefighter I/II Certified/Operator	21.00	19.00	19.00
6	EMT (Entry Level)	0.00	0.00	0.00
7	EMT	18.00	16.00	16.00
8	EMT-I	20.00	18.00	18.00
9	Firefighter I Certified/EMT	20.00	18.00	18.00
10	Firefighter I/II Certified/EMT	21.00	19.00	19.00
11	Firefighter I Certified/Operator/EMT	22.00	20.00	20.00
12	Firefighter I/II Certified/Operator/EMT	23.00	21.00	21.00
13	Lieutenant	24.00	22.00	22.00
14	Lieutenant/EMT	26.00	24.00	24.00

Details. On any occasion that the Fire Chief determines that public safety is at risk (fire watches, pyrotechnic displays, pyrotechnic blasting for construction, etc.) and calls for a detail consisting of a Firefighter or Firefighters [not covered by any other collective bargaining agreement] to stand-by during any of these situations to monitor for fire, explosion, or any other possible hazard, the person or persons assigned to the detail will be compensated in the following manner:

**\$50.00** per hour/weekday

**\$56.00** per hour/week-end or holiday

SCHEDULE E: MISCELLANEOUS ANNUAL COMPENSATION SCHEDULE

Cemetery Agent.....	\$8,000
Clerk, Board of Registrars .....	\$1,638.33
Emergency Management Coordinator .....	\$2,000
Registrar of Voters.....	\$205.66
Town Counsel (not including fees).....	\$1,704.33
Tree Warden .....	\$4,000
Veterans' Agent and Director of Veterans' Services.....	\$15,000

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SCHEDULE F: FEE BASED COMPENSATION (Recreation Seasonal Personnel)

Assistant Instructor .....	3
Camp Counselor 1 .....	1
Camp Counselor 2 .....	2
Lifeguard .....	5
Coordinator.....	6
Instructor I. ....	6
Monitors .....	6
Program Driver.....	6
Assistant Supervisor .....	9
Supervisor.....	11
Instructor II .....	12
Master Instructor .....	13
Seasonal Nurse .....	13

Classification grade is reflective of "Hourly Rates for Part-Time Positions" in this plan.

LONGEVITY SCHEDULE: Full-Time Employees of Town of Southborough – Compensated annually at Anniversary Date

After 5 years .....	\$400
After 10 years .....	\$600
After 15 years .....	\$700
After 20 years .....	\$850
After 25 years .....	\$1,000
After 30 years .....	\$1,200
After 40 years .....	\$1,500

, or do or act anything in relation thereto.

**Proposed by: PERSONNEL BOARD**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *The Personnel By-Law governs policies and pay structures for non-union employees. The changes are noted in **bold**.*

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**MOTION MADE:** That the Town vote to approve changes to the Personnel Salary Administration Plan, as specified in Chapter 31 of the Code of the Town of Southborough, entitled: PERSONNEL, and insert in its place the changes as printed in the warrant. Changes are noted in **BOLD** in the warrant.

**AMENDMENT MADE:** That the Town vote to amend section 9(b) by inserting, in the first sentence, “or Personnel Board” after the words, “Town Administrator”.

**AMENDMENT PASSED:** 115 in favor, 59 opposed

**MOTION TO LAY THIS ARTICLE ON THE TABLE PASSED.**

**MOTION TO TAKE THIS ARTICLE OFF THE TABLE PASSED.**

**SECOND AMENDMENT MADE:** That the Town vote to amend section 3 by inserting at the end of the first sentence, “or Personnel Board” after the words “Assistant Town Administrator/Human Resources Director.”

**SECOND AMENDMENT PASSED.**

**THIRD AMENDMENT MADE:** That the Town vote to amend section 4 by inserting at the end of the first sentence, “or Personnel Board” after the words “Assistant Town Administrator/Human Resources Director.”

**THIRD AMENDMENT PASSED**

**MOTION TO INDEFINITELY POSTPONE THIS ARTICLE PASSED.**

**ARTICLE 6:** To see if the Town will vote to approve funding for the economic cost items under M.G.L. Chapter 150E, Section 7 for any particular collective bargaining agreements reached before Town Meeting, or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *This article will fund costs associated with the first year of the contract with the Fire Union, which was agreed upon as a result of State arbitration. Funding of this contract will be done through transfers of existing FY17 funds.*

**MOTION MADE:** That pursuant to Mass. General Laws Chapter 150E Section 7 as amended, the Town vote to approve the economic terms of the collective bargaining agreement between the Town and Local 3229 IAFF and to transfer the sum of \$57,735 of which \$43,600 from Account 0100-5-305-000-56700 (Norfolk County Assessment) and \$14,135 from Account 0100-5-302-000-56700 (Algonquin Regional Assessment) for the purpose of funding the collective bargaining agreement.

**MOTION PASSED.**

**ARTICLE 7:** To see if the Town will vote to transfer a sum of money between and among various accounts for the fiscal year ending June 30, 2017, or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** At Town Meeting

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**Summary:** *This article is intended to address any unexpected or unusual funding needs for the current fiscal year via transfers between accounts.*

**MOTION MADE:** That the Town transfer the sum of \$35,382 between and among various accounts for the fiscal year ending June 30, 2017, as follows:

<b>FROM:</b>	<b>TO:</b>	<b>AMOUNT:</b>
Algonquin Regional Assmt 0100-5-302-000-56700	Outside Consultants 0100-6-122-000-53020	\$17,318
Algonquin Regional Assmt 0100-5-302-000-56700	Liability Insurance 0100-5-945-000-57400	\$14,012
Court Judgements 0100-5-941-000-57600	Liability Insurance 0100-5-945-000-57400	\$4,052

**MOTION PASSED UNANIMOUSLY.**

**ARTICLE 8:** To see if the Town will vote to raise a sum of money as may be necessary for the Town's use for Fiscal Year 2018, and make appropriations of the same, as detailed following, or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Summary:** *See budget report including Advisory Committee and Board of Selectmen's FY18 recommendations. If the Advisory Committee recommendation differs from that of the Board of Selectmen, it shall be noted in that departmental budget.*

**MOTION TO DIVIDE THE QUESTION PASSED.**

**MOTION MADE:** To take an umbrella vote on those budgets that were not held. This one vote will have the effect of voting each question separately.

**MOTION PASSED.**

**MOTION MADE:** To pass all budgets that do not have a hold on them.

**MOTION PASSED.**

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Budget Name	FY 2018 Request
<b>General Government</b>	
<b>110-119 LEGISLATIVE</b>	
<b>114 MODERATOR</b>	
51000-51990 Personal Services	50
52000-58990 Other Charges and Expenses	25
<b>TOTAL</b>	<b>75</b>
<b>120-129 EXECUTIVE</b>	
<b>121 ELECTED BOARD OF SELECTMEN</b>	
51000-51990 Personal Services	4,000
<b>TOTAL</b>	<b>4,000</b>
<b>122 BOARD OF SELECTMEN</b>	
51000-51990 Personal Services	372,778
52000-58990 Other Charges and Expenses	55,433
<b>TOTAL</b>	<b>428,211</b>
<b>130-149 FINANCIAL ADMINISTRATION</b>	
<b>131 ADVISORY COMMITTEE</b>	
52000-58990 Other Charges and Expenses	1,306
<b>ADVISORY COMMITTEE TOTAL</b>	<b>1,306</b>
<b>132 RESERVE FUND</b>	
52000-58990 Other Charges and Expenses	150,000
<b>TOTAL</b>	<b>150,000</b>
<b>135 TOWN ACCOUNTANT</b>	
51000-51990 Personal Services	145,244
52000-58990 Other Charges and Expenses	2,550
<b>TOTAL</b>	<b>147,794</b>
<b>136 AUDIT</b>	
52000-58990 Other Charges and Expenses	32,550
<b>TOTAL</b>	<b>32,550</b>
<b>140 ELECTED BOARD OF ASSESSORS</b>	
51000-51990 Personal Services	2,250
<b>TOTAL</b>	<b>2,250</b>
<b>141 ASSESSORS</b>	
51000-51990 Personal Services	165,051
52000-58990 Other Charges and Expenses	33,640
<b>TOTAL</b>	<b>198,691</b>
<b>145 TREASURER/COLLECTOR</b>	
51000-51990 Personal Services	198,717
52000-58990 Other Charges and Expenses	12,415
<b>TOTAL</b>	<b>211,132</b>



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**150-159 OPERATIONS SUPPORT**

**151 LEGAL**

52000-58990 Other Charges and Expenses	95,000
<b>TOTAL</b>	<b>95,000</b>

**152 PERSONNEL BOARD**

51000-51990 Personal Services	1,250
52000-58990 Other Charges and Expenses	47,450
<b>TOTAL</b>	<b>48,700</b>

**MOTION MADE:** To pass the budget for 152 PERSONNEL BOARD.

**MOTION PASSED.**

**153 SPECIAL LEGAL COUNSEL**

52000-58990 Other Charges and Expenses	55,000
<b>TOTAL</b>	<b>55,000</b>

**155 MANAGEMENT INFORMATION SYSTEMS**

51000-51990 Personal Services	94,300
52000-58990 Other Charges and Expenses	193,396
<b>TOTAL</b>	<b>287,696</b>

**159 OTHER OPERATION SUPPORT**

52000-58990 Other Charges and Expenses	337,782
<b>TOTAL</b>	<b>337,782</b>

**160-169 LICENSING AND REGISTRATIONS**

**160 ELECTED TOWN CLERK SALARY**

51000-51990 Personal Services	66,674
<b>TOTAL</b>	<b>66,674</b>

**MOTION MADE:** To pass the budget for 160 ELECTED TOWN CLERK SALARY as printed in the warrant.

**AMENDMENT MADE:** To strike the amount of \$83,064 in line 51000-51990 Personal Services, and substitute the amount of \$66,674, for a new total budget of \$66,674.

**SECOND AMENDMENT MADE:** To reduce line 51000-51990 Personal Services to \$55,000.

**SECOND AMMENDMENT FAILED.**

**BUDGET AS AMENDED PASSED.**

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**161 TOWN CLERK**

51000-51990 Personal Services	117,240
52000-58990 Other Charges and Expenses	85,731
<b>TOTAL</b>	<b>202,971</b>

**MOTION MADE:** To pass the budget for 161 TOWN CLERK as printed in the warrant.

**AMENDMENT MADE:** To strike the amount of \$117,240 in line 51000-51990 Personal Services, and substitute the amount of \$114,240, for a new total budget of \$199,971.

**AMMENDMENT FAILED.**

**BUDGET PASSED.**

**170-189 LAND USE AND DEVELOPMENT**

**171 CONSERVATION COMMISSION**

51000-51990 Personal Services	51,159
52000-58990 Other Charges and Expenses	13,225
<b>TOTAL</b>	<b>64,384</b>

**MOTION MADE:** To pass the budget for 171 CONSERVATION COMMISSION as printed in the warrant.

**AMENDMENT MADE:** To strike the amount of \$49,026 in line 51000-51990 Personal Services, and substitute the amount of \$51,159, for a new total budget of \$64,384.

**BUDGET AS AMENDED PASSED.**

**175 PLANNING BOARD**

51000-51990 Personal Services	129,655
52000-58990 Other Charges and Expenses	15,670
<b>TOTAL</b>	<b>145,325</b>

**176 ZONING BOARD OF APPEALS**

51000-51990 Personal Services	45,500
52000-58990 Other Charges and Expenses	3,650
<b>TOTAL</b>	<b>49,150</b>

**MOTION MADE:** To pass the budget for 176 ZONING BOARD OF APPEALS as printed in the warrant.

**BUDGET PASSED.**

**177 OPEN SPACE**

52000-58990 Other Charges and Expenses	1,500
<b>TOTAL</b>	<b>1,500</b>

**182 ECONOMIC DEVELOPMENT COMMITTEE**

51000-51990 Personal Services	25,350
52000-53990 Purchase of Services	14,270
<b>TOTAL</b>	<b>39,620</b>

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**MOTION MADE:** To pass the budget for 182 ECONOMIC DEVELOPMENT COMMITTEE as printed in the warrant.

**AMENDMENT MADE:** To strike the amount of \$25,350 in line 51000-51990 Personal Services, and substitute the amount of \$0, for a new total budget of \$14,270.

**AMMENDMENT FAILED.**

**BUDGET PASSED.**

**190-199 OTHER**

**192 PUBLIC BUILDINGS AND PROPERTIES MAINTENANCE**

51000-51990 Personal Services	340,995
52000-58990 Other Charges and Expenses	170,445
<b>TOTAL</b>	<b>511,440</b>

**200-299 PUBLIC SAFETY**

**210 POLICE DEPARTMENT**

51000-51990 Personal Services	1,877,970
52000-58990 Other Charges and Expenses	120,436
<b>TOTAL</b>	<b>1,998,406</b>

**MOTION MADE:** To pass the budget for 210 POLICE DEPARTMENT as printed in the warrant.

**AMENDMENT MADE:** To strike the amount of \$1,892,678 in line 51000-51990 Personal Services, and substitute the amount of \$1,877,970, for a new total budget of \$1,998,406.

**BUDGET AS AMENDED PASSED.**

**220 FIRE DEPARTMENT**

51000-51990 Personal Services	1,911,528
52000-58990 Other Charges and Expenses	192,582
<b>TOTAL</b>	<b>2,104,110</b>

**241 BUILDING DEPARTMENT**

51000-51990 Personal Services	128,449
52000-58990 Other Charges and Expenses	10,625
<b>TOTAL</b>	<b>139,074</b>

**291 CIVIL DEFENSE**

51000-51990 Personal Services	2,926
52000-58990 Other Charges and Expenses	6,464
<b>TOTAL</b>	<b>9,390</b>

**292 ANIMAL CONTROL OFFICER AND ANIMAL INSPECTOR**

52000-58990 Other Charges and Expenses	28,212
<b>TOTAL</b>	<b>28,212</b>

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**400-499 PUBLIC WORKS & FACILITIES**

**400, 420 DEPT. OF PUBLIC WORKS** (Highway, Cemetery, Tree)

51000-51990 Personal Services	911,571
52000-58990 Other Charges and Expenses	1,216,650
<b>TOTAL</b>	<b>2,128,221</b>

**MOTION MADE:** To pass the budget for 400 PUBLIC WORKS as printed in the warrant.

**AMENDMENT MADE:** To strike the amount of \$ 924,617 in line 51000-51990 Personal Services, and substitute the amount of \$ 911,571, for a new total budget of \$2,128,221.

**BUDGET AS AMENDED PASSED UNANIMOUSLY.**

**450 DEPT. OF PUBLIC WORKS - WATER**

51000-51990 Personal Services	347,952
52000-58990 Other Charges and Expenses	1,299,453
<b>TOTAL</b>	<b>1,647,405</b>

**500-599 HUMAN SERVICES**

**510 ELECTED BOARD OF HEALTH**

51000-51990 Personal Services	450
<b>TOTAL</b>	<b>450</b>

**512 BOARD OF HEALTH**

51000-51990 Personal Services	104,222
52000-58990 Other Charges and Expenses	52,756
<b>TOTAL</b>	<b>156,978</b>

**541 COUNCIL ON AGING**

51000-51990 Personal Services	244,378
52000-58990 Other Charges and Expenses	59,355
<b>TOTAL</b>	<b>303,733</b>

**542 YOUTH COMMISSION**

51000-51990 Personal Services	133,654
52000-58990 Other Charges and Expenses	13,300
<b>TOTAL</b>	<b>146,954</b>

**MOTION MADE:** To pass the budget for 542 YOUTH COMMISSION as printed in the warrant.

**AMENDMENT MADE:** To strike the amount of \$130,168 in line 51000-51990 Personal Services, and substitute the amount of \$133,654, for a new total budget of \$146,954.

**BUDGET AS AMENDED PASSED.**

**543 VETERANS' SERVICES**

51000-51990 Personal Services	15,000
52000-58990 Other Charges and Expenses	35,975
<b>TOTAL</b>	<b>50,975</b>

**600-699 CULTURE & RECREATION**

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**610 LIBRARY**

51000-51990 Personal Services	375,071
52000-58990 Other Charges and Expenses	129,519
<b>TOTAL</b>	<b>504,590</b>

**630 RECREATION COMMISSION**

51000-51990 Personal Services	122,306
52000-58990 Other Charges and Expenses	9,900
<b>TOTAL</b>	<b>132,206</b>

**691 HISTORICAL COMMISSION**

52000-58990 Other Charges and Expenses	3,500
<b>TOTAL</b>	<b>3,500</b>

**692 MEMORIAL DAY**

52000-58990 Other Charges and Expenses	3,050
<b>TOTAL</b>	<b>3,050</b>

**700-799 DEBT SERVICE**

**DEBT PRINCIPAL AND DEBT INTEREST**

0100-710-59100 Principal General Fund	2,507,043
6161-710-59100 Principal Water Fund	290,000
0100-751-59150 Interest General Fund	318,557
6161-751-59150 Interest Water Fund	114,622
<b>TOTAL</b>	<b>3,230,222</b>

**900-999 UNCLASSIFIED**

**910 EMPLOYEE BENEFITS**

51700 Police/Fire Accident and Workers' Comp.	214,192
51710 Unemployment Payments	35,000
51720 Health Insurance	4,618,967
51730 Retirement Fund	1,612,707
51740 Life Insurance	5,205
51750 Flexible Spending Account	6,025
51770 Medicare	318,884
51780 Dental Insurance	200,776
51785 Medicare B Penalty	17,535
59660 Transfer to OPEB Trust	250,000
<b>TOTAL</b>	<b>7,279,291</b>

**MOTION MADE:** To pass the budget for 910 EMPLOYEE BENEFITS as printed in the warrant.

**AMENDMENT MADE:** To strike the amount of \$4,621,213 in line 51720 Health Insurance, and substitute the amount of \$4,618,967, for a new total budget of \$7,279,291.

**BUDGET AS AMENDED PASSED UNANIMOUSLY.**

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**930 BUDGET CAPITAL**

Police Cruiser – SUV (1)	40,977
Police - Taser Replacement Plan	1,440
Town Clerk – Election Devices (4)	24,000
52000-58990 Other Charges and Expenses	66,417
<b>TOTAL</b>	<b>66,417</b>

**MOTION MADE:** To pass the budget for 930 BUDGET CAPITAL as printed in the warrant.

**AMENDMENT MADE:** To strike the amount of \$81,954 Police Cruisers and replace it with \$40,977, and to strike in its entirety the amount of \$140,000 for DPW sidewalk tractor, for a new total budget of \$ 66,417.

**BUDGET AS AMENDED PASSED.**

**941 COURT JUDGEMENTS**

57600 Court Judgements	220,000
<b>TOTAL</b>	<b>220,000</b>

**945 LIABILITY INSURANCE**

52000-58990 Other Charges and Expenses	251,640
<b>TOTAL</b>	<b>251,640</b>

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Budget Name	FY 2018 Request
<b>300-399 EDUCATION</b>	
<b>300 ELECTED SCHOOL COMMITTEE</b>	
51000-51990 Personal Services	500
<b>TOTAL</b>	<b>500</b>
<b>301 SOUTHBOROUGH SCHOOLS</b>	
<b>REGULAR DAY PROGRAMS</b>	
Administration	580,759
Instruction	10,330,651
Other Student Services	785,117
Operation and Maintenance Buildings	1,706,742
Fixed Charges	4,100
Contractual Obligation	465,896
<b>TOTAL</b>	<b>13,873,265</b>
<b>SPECIAL EDUCATION PROGRAMS - CHAPTER 766</b>	
Administration	17,800
Instruction	4,496,269
Other Student Services	530,000
Operation and Maintenance Buildings	7,000
Programs, Other Systems in Massachusetts	788,924
Programs, Member of Collaborative	68,000
<b>TOTAL</b>	<b>5,907,993</b>
<b>TOTAL OPERATING BUDGET</b>	<b>19,781,258</b>
<b>302 ALGONQUIN REGIONAL HIGH SCHOOL</b>	
<b>REGULAR DAY PROGRAMS</b>	
Administration	628,305
Instruction	10,582,115
Other Student Services	1,902,072
Operation and Maintenance Buildings	1,667,507
Fixed Charges	3,686,120
New Equipment	110,200
Tuition, Other Public Schools	290,000
<b>TOTAL</b>	<b>19,406,041</b>
<b>SPECIAL EDUCATION PROGRAMS - CHAPTER 766</b>	
Administration	9,300
Instruction	2,154,530
Other Student Services	251,280
Operation and Maintenance Buildings	2,000
Fixed Charges	1,595
Programs, Other Systems in Massachusetts	429,035
Programs, Member of Collaborative	50,685
<b>TOTAL</b>	<b>2,898,425</b>
<b>TOTAL OPERATING BUDGET</b>	<b>22,304,466</b>

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	NON EXEMPT	EXEMPT	TOTAL
<b>FY 2018 SOUTHBOROUGH ASSESSMENT</b>	<b>7,426,180</b>	<b>474,433</b>	<b>7,900,613</b>

**304 ASSABET VALLEY REGIONAL TECHNICAL HIGH SCHOOL**

Southborough Operating Assessment	296,635
Renovation Project - Capital Assessment	39,981
<b>SOUTHBOROUGH ASSESSMENT</b>	<b>336,616</b>

**305 NORFOLK COUNTY AGRICULTURAL HIGH SCHOOL**

Tuition/Transportation Assessment	43,600
<b>TOTAL</b>	<b>43,600</b>

**MOTION MADE:** To pass the budget for 305 NORFOLK COUNTY AGRICULTURAL HIGH SCHOOL as printed in the warrant.

**BUDGET PASSED.**

**MOTION MADE:** That the vote to raise a sum of money not to exceed the sum of \$51,548,662 as may be necessary for the Town's use, and make appropriations of the same.

Transfer from the Cemetery Perpetual care	15,000
Transfer from Free Cash	1,553,963
Transfer from Overlay Reserve	240,193
Transfer from Ambulance Fund, Receipts Reserved (Fund 23)	315,977
Transfer from Aerial Ladder Donation Fund	32,000
Transfer from Septic Betterment Fund	52,042
Transfer from Premium Reserve	56
Transfer from Reserve SBAB Fund Balance	49,318
Transfer from Water Reserve	90,000
Transfer from Recreation Fees	25,000

And that the balance of \$49,175,113 be raised and appropriated.

**MOTION PASSED.**



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**ARTICLE 9:** To see if the Town will vote to raise and appropriate, or transfer from available funds a sum of money for General Government capital items for the following purposes:

	DESCRIPTION	REQUEST	LEVY	WATER AND OTHER FUNDS
A.	DPW Building Repairs & Upgrades	\$ 114,400	\$ 114,400	
B.	Facilities Pickup with Plow	\$ 41,000	\$ 41,000	
C.	Defibrillator Units for Town Buildings	\$ 12,000		\$ 12,000
D.	Fire – SCBA Cylinders	\$ 15,000		\$ 15,000
E.	Fire – Turnout Gear	\$ 46,000		\$ 46,000
F.	Fire – IV Pumps for Ambulances	\$ 10,000		\$ 10,000
G.	DPW – Road Maintenance	\$ 250,000	\$ 250,000	
H.	DPW Water – Utility Body Replacement	\$ 12,000		\$ 12,000
I.	DPW Water – Master Plan	\$ 50,000		\$ 50,000
J.	DPW – Tree Work for Open Space/Trails	\$ 15,000	\$ 15,000	
K.	Selectmen – Digital Preservation	\$ 25,000	\$ 25,000	

, or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** At Town Meeting

**Summary:**

*A. This article will provide the funds needed to replace glass, seals, and screens in the windows located in the administrative section of the D.P.W. complex, make repairs to and repaint the exterior of the D.P.W. Building, and install 3 new large overhead doors to allow for the storage of larger equipment in the apparatus bay.*

*B. This article will provide the funds needed to purchase a new Chevrolet K2500 Silverado Pickup Truck with Plow to replace a 1999 Chevrolet Silverado 2500 Pickup Truck with 112,000+ miles. The 1999 Silverado has well surpassed its useful lifespan, as it is mechanically unreliable and has severe frame and body rot issues.*

*C. This article will provide the funds needed to purchase defibrillator units and related equipment to be located in the Town Hall, Library, Cordaville Hall, The D.P.W., and South Union School.*

*D. The fire department currently has (12) SCBA cylinders that have reached the useful life and must be disposed of. Eight of the replacement cylinders will be 45 minute cylinders to keep with the current cylinders used by the department and four will be (1) hour cylinders for extended operations and rapid intervention. These cylinders will replace the ones currently on the SCBA's on the apparatus.*

*E. The fire fighters currently have a primary and a secondary set of turnout gear in the event that one set is not useable because of contamination and cleaning after a fire, damage from use, or damage beyond repair. The second set allows a fire fighter to have personal protective gear and ready to respond to emergencies. Without a secondary set of gear a fire fighter may be out of service until he/she gets the gear cleaned or replaced. If that is the case another fire fighter may need to work in his/her place causing an unnecessary expense to the Town and department.*

*The second set of gear also is in keeping with current standards to reduce the risk of exposure to carcinogens from the products of combustion by allowing firefighters to immediately be able to have a clean set available. It also reduces potential exposure to the public if firefighters respond to routine calls in the home with contaminated gear.*

*F. The Commonwealth of Massachusetts Office of Emergency Medical Services has mandated the use of mechanical IV pumps to administer certain medications during transport to the hospital. The mandate requires that ambulances licensed at the paramedic level be equipped with these devices by December 31, 2017. Purchase of these items will allow for compliance prior to that date.*

*G. This is the annual request for road maintenance in conjunction with Chapter 90 funding.*

*H. This will provide funding to change the pick-up bed of a water truck to a utility body.*

*I. This will provide funding for the Water System Master Plan which is due for an update in FY18.*

*J. This will provide funding for emergency tree work to handle tree and limb removal required on trails and Town owned land after weather incidents such as microbursts, hurricanes, and ice storms.*

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*K. This will provide funding to continue the efforts begun under a Community Compact grant from the Commonwealth for digital preservation of Town records. Initial efforts have been made to identify the records that the Town has in its possession in the Town House, and recommend implementation plans for better storage and retrieval of those records.*

**MOTION MADE:**

That the Town vote to raise and appropriate:

- \$114,400 for DPW building repairs and upgrades;
- \$250,000 for DPW road maintenance;
- \$41,000 for a Facilities pickup and plow;
- \$15,000 for DPW for tree work for open space/trails;
- \$25,000 for BOS digital preservation

#	ITEM	TOTAL	Recommend	Recommend
			ADVISORY	SELECTMEN
A.	DPW Building repairs & upgrade	<b>\$114,400</b>		Recommend
B.	DPW roads	<b>\$250,000</b>		Recommend
C.	Facilities pickup with plow	<b>\$41,000</b>		Recommend
D.	DPW Tree work	<b>\$15,000</b>		Recommend
E.	BOS digital preservation	<b>\$25,000</b>		Recommend

And further, that the Town vote to transfer from the Ambulance Fund:

- \$12,000 for Defibrillator units for Town buildings;
- \$15,000 for Fire replacement SCBA cylinders;
- \$46,000 for Fire replacement turnout gear;
- \$10,000 for replacement IV pumps for Ambulances;

#	ITEM	TOTAL	Recommend	Recommend
			ADVISORY	SELECTMEN
F.	Defibrillator units for Town buildings	<b>\$12,000</b>		Recommend
G.	Fire SCBA cylinders	<b>\$15,000</b>		Recommend
H.	Fire replacement turnout gear	<b>\$46,000</b>		Recommend
I.	Replacement IV pumps for ambulances	<b>\$10,000</b>		Recommend

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And further, that the town vote to transfer from the Water Fund:

- \$12,000 for a Utility body replacement;
- \$50,000 for a Water master plan.

#	ITEM	TOTAL	Recommend	Recommend
			ADVISORY	SELECTMEN
J.	DPW Water utility body replacement	<b>\$12,000</b>		Recommend
K.	DPW Water master plan	<b>\$50,000</b>		Recommend

**AMENDMENT MADE:** To strike the amount of \$25,000 BOS digital preservation.

**MOTION AS AMENDED PASSED.**

**MOTION TO ADJOURN THE APRIL 25, 2017 ANNUAL TOWN MEETING AND TO RECONVENE THE MARCH 8, 2017 SPECIAL TOWN MEETING PASSED.**

Town of Southborough  
ADJOURNED ANNUAL TOWN MEETING  
April 27, 2017

**A**t the Adjourned Annual Town Meeting duly called and held in the P. Brent Trottier Middle School, Southborough, on Wednesday, April 26, 2017 at 7:00PM the following ARTICLES were voted on in a legal manner. There was a quorum present (100 Voters = quorum); 215 voters were present.

**The Deputy Town Moderator, Roger Challen, called the meeting to order at 7:23pm.**

<b>MOTION TO WAIVE THE READING OF THE WARRANT PASSED.</b>
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**ARTICLE 10:** To see if the Town will vote pursuant to Massachusetts General Laws, Chapter 44 § 53E ½ to authorize and/or reauthorize the use of a revolving fund for the following purposes:

1. Immunization/emergency dispensing clinic and any declared emergency for the Board of Health to a maximum of \$12,000.
2. Inspection services for the Sealer of Weights and Measures, Plumbing Inspector and Wiring Inspector for receipts to a maximum of \$100,000.
3. Department of Public Works for 9-11 Field Maintenance and usage to a maximum of \$50,000.
4. Local Wetland Filing fees for Conservation Commission departmental and consultant costs for review, issuance and monitoring of projects to a maximum of \$30,000.
5. Public Safety and Public Works departments for responding to incidents involving hazardous material to a maximum of \$75,000.
6. CPR classes by the Fire Department for the cost of running CPR classes to a maximum of \$6,500.
7. Conservation Commission for the cost of running the community garden to a maximum of \$1,500.
8. Recreation Commission for a portion of recreation program costs to a maximum of \$342,094.
9. Tobacco Control Program to allow the Board of Health to conduct periodic compliance checks with vendors to a maximum of \$4,000.
10. Technology fee from permits for the annual costs of municipal licensing/permitting software to a maximum of \$40,000.

, or do or act anything in relation thereto.

**Proposed by: BOARD OF HEALTH, BOARD OF SELECTMEN, RECREATION COMMISSION, AND CONSERVATION COMMISSION**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *This article which provides for revolving funds must be approved annually and will cover the costs of the programs as described above. There are no new revolving funds being proposed for FY18.*

Town of Southborough  
ADJOURNED ANNUAL TOWN MEETING  
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**MOTION MADE:** That the Town vote, pursuant to Massachusetts General Laws, Chapter 44 § 53E ½, to authorize and/or re-authorize the use of a revolving fund for the following purposes:

1. Immunization/emergency dispensing clinic and any declared emergency for the Board of Health to a maximum of \$12,000.
2. Inspection services for the Sealer of Weights and Measures, Plumbing Inspector and Wiring Inspector for receipts to a maximum of \$100,000.
3. Department of Public Works for 9-11 Field Maintenance and usage and DCR annual fee to a maximum of \$50,000.
4. Local Wetland Filing fees for Conservation Commission departmental and consultant costs for review, issuance and monitoring of projects to a maximum of \$30,000.
5. Public Safety and Public Works departments for responding to incidents involving hazardous material to a maximum of \$75,000.
6. PR classes by the Fire Department for the cost of running CPR classes to a maximum of \$6,500.
7. Conservation Commission for the cost of running the community garden to a maximum of \$1,500.
8. Recreation Commission for a portion of recreation program costs to a maximum of \$342,094.
9. Tobacco Control Program to allow the Board of Health to conduct periodic compliance checks with vendors to a maximum of \$4,000.
10. Technology fee from permits for the annual costs of municipal licensing/permitting software to a maximum of \$40,000.

**MOTION PASSED.**

**ARTICLE 11:** To see if the Town will vote to raise and appropriate, borrow and appropriate or transfer from available funds the sum of \$100,000 for the ongoing maintenance of capital equipment and systems associated with town buildings and facilities. The Town Facilities Manager shall recommend appropriate projects to the Town Administrator. The Town Administrator shall approve all expenditures under this article. The Town Facilities Manager shall report all funded projects to the Capital Budget and Advisory Committees as requested, or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *This article will provide for the maintenance and repair of capital equipment and systems associated with the Town's buildings and facilities.*

**MOTION MADE:** That the Town vote to raise and appropriate \$100,000 for the ongoing maintenance of capital equipment and systems associated with town buildings and facilities. The Town Facilities Manager shall recommend appropriate projects to the Town Administrator. The Town Administrator shall approve all expenditures under this article. The Town Facilities Manager shall report all funded projects to the Capital Budget and Advisory Committees, as requested.

**REQUIRES A 2/3 VOTE.**

**MOTION PASSED.**

**ARTICLE 12:** To see if the Town will vote to accept the report of the Community Preservation Committee for the FY 2018 Community Preservation Projected Receipts and act upon the recommendations of the Community Preservation Committee and to set aside for later expenditure, certain sums of money from the Community Preservation Fund established pursuant to Chapter 44B of the General Laws, as follows:

Estimated Surcharge Receipts (based on Town Treasurer's projections):	\$329,162
State Match (projected State match).....	\$64,227

Town of Southborough  
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Total Projected Revenue..... \$393,389

**Set Aside- Open Space**

\$ 39,339 to be set aside, held in the Community Preservation Fund, and spent in FY2018 or later years for acquisition, creation or preservation of open space, and for the rehabilitation and/or restoration of open space acquired under the Community Preservation Act.

**Set Aside – Historic Preservation**

\$ 39,339 to be set aside, held in the Community Preservation Fund, and spent in FY2018 or later years for the acquisition, preservation, rehabilitation and restoration of historic resources.

**Set Aside – Community Housing**

\$ 39,339 to be set aside, held in the Community Preservation Fund, and spent in FY2018 or later years for the creation, preservation and support of community housing, and for the rehabilitation and/or restoration of community housing acquired under the Community Preservation Act.

**Administrative Costs – Community Preservation Committee**

\$ 19,669 to defray the administrative and operating expenses of the Community Preservation Committee in FY2018 for the Community Preservation Fund (discretionary)

**Set Aside -Budgeted Reserve/Discretionary**

Reserved For FY18          CPF (Budgeted Reserve/Discretionary)          \$ 255,703

**Proposed by: COMMUNITY PRESERVATION COMMITTEE**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *These set asides are an annual requirement under the Community Preservation Act.*

**MOTION MADE:** That the Town vote to accept the report of the Community Preservation Committee for the FY 2018 Community Preservation Projected Receipts and act upon the recommendations of the Community Preservation Committee and to set aside for later expenditure, certain sums of money from the Community Preservation Fund established pursuant to Chapter 44B of the General Laws, as printed in the warrant.

**MOTION PASSED.**

**ARTICLE 13:** To see if the Town will vote to appropriate \$14,166.00 for FY17 short-term note from the CPA Historic Preservation Reserve Fund to be applied towards interest payments for the Perpetual Preservation Restriction on 84 Main Street also known as the Burnett House for the purpose of Historic Preservation. Said funds to be expended under the direction of the Director of Finance and Community Preservation Committee; or take any other action thereto.

**Proposed by: COMMUNITY PRESERVATION COMMITTEE**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *This article is the Community Preservation Fund payment towards the FY17 interest of funding for the Preservation Restriction of 84 Main Street.*

Town of Southborough  
ADJOURNED ANNUAL TOWN MEETING  
April 27, 2017

**MOTION MADE:** That the Town vote to appropriate \$14,166.00 for FY17 short-term note from the CPA Historic Preservation Reserve Fund to be applied towards interest payments for the Perpetual Preservation Restriction on 84 Main Street also known as the Burnett House for the purpose of Historic Preservation. Said funds to be expended under the direction of the Director of Finance and Community Preservation Committee.

**AMENDMENT MADE:** That the town vote to amend to main motion by striking the words, “Director of Finance and”.

**AMENDMENT FAILS:** 64 in favor, 99 opposed

**MAIN MOTION PASSED.**

**ARTICLE 14:** To see if the Town will vote to appropriate \$20,600.00 for FY18 short-term note from the CPA Historic Preservation Reserve Fund to be applied towards interest payments for the Perpetual Preservation Restriction on 84 Main Street also known as the Burnett House for the purpose of Historic Preservation. Said funds to be expended under the direction of the Director of Finance and Community Preservation Committee; or take any other action thereto.

**Proposed by:** COMMUNITY PRESERVATION COMMITTEE

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *This article is the Community Preservation Fund payment towards the FY18 interest of funding for the Preservation Restriction of 84 Main Street.*

**MOTION MADE:** That the Town vote to appropriate \$20,600.00 for FY18 short-term note from the CPA Historic Preservation Reserve Fund to be applied towards interest payments for the Perpetual Preservation Restriction on 84 Main Street also known as the Burnett House for the purpose of Historic Preservation. Said funds to be expended under the direction of the Director of Finance and Community Preservation Committee.

**MOTION PASSED.**

**ARTICLE 15:** To see if the Town will vote to appropriate \$ 13,059 from the CPA Historic Preservation Reserve Fund for the historic restoration of town town-owned Flagg School. Monies will be used to restore the historic building currently used as the Southborough Historical Museum; said funds to be expended under the direction of the Director of Finance and Community Preservation Committee, or take any other action thereto.

**Proposed by:** COMMUNITY PRESERVATION COMMITTEE

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *Under the direction of the Southborough Historical Society, funds will be used to complete the renovation of the town-owned Historic Flagg School Building (install climate control system, storm window repair and replacement, and electrical updates).*

**MOTION MADE:** That the Town vote to appropriate \$ 13,059 from the CPA Historic Preservation Reserve Fund for the historic restoration of town town-owned Flagg School. Monies will be used to restore the historic building currently used as the Southborough Historical Museum; said funds to be expended under the direction of the Director of Finance and Community Preservation Committee.

**MOTION PASSED.**

**ARTICLE 16:** To see if the Town will vote to appropriate \$ 20,650 from the CPA Historic Preservation Reserve Fund to preserve documents and artifacts in the Southborough Historical Society’s collection of historic town artifacts and

Town of Southborough  
ADJOURNED ANNUAL TOWN MEETING  
April 27, 2017

documents; said funds to be expended under the direction of the Director of Finance and Community Preservation Committee, or take any other action thereto.

**Proposed by: COMMUNITY PRESERVATION COMMITTEE**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *Under the direction of the Southborough Historical Society, funds will be used to support a Collection Specialist and assistant to document the Society's collection, identify artifacts for preservation, protect critical items in immediate need of preservation, purchase supplies to preserve items, and create an inventory of items for future preservation.*

**MOTION MADE:** That the Town vote to appropriate \$ 20,650 from the CPA Historic Preservation Reserve Fund to preserve documents and artifacts in the Southborough Historical Society's collection of historic town artifacts and documents; said funds to be expended under the direction of the Director of Finance and Community Preservation Committee.

**MOTION PASSED.**

**ARTICLE 17:** To see if the Town will vote to appropriate \$ 74,750.00 with \$ 39,339.00 from the CPA Open Space Reserve Fund and \$35,411 from the CPA General Unreserved Fund for invasive species removal and other land management activities at Breakneck Hill Conservation Land; said funds to be expended under the direction of the Director of Finance and Community Preservation Committee, or take any other action thereto.

**Proposed by: COMMUNITY PRESERVATION COMMITTEE**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *Under the direction of the Southborough Stewardship Committee and with approval of the Conservation Commission, the project objectives are to remove invasive species, create and enhance passive recreation opportunities and the preservation and creation of wildlife habitat for species at risk.*

**MOTION MADE:** That the Town vote to appropriate \$ 74,750.00, with \$ 39,339.00 from the CPA Open Space Reserve Fund and \$35,411 from the CPA General Unreserved Fund, for invasive species removal and other land management activities at Breakneck Hill Conservation Land; said funds to be expended under the direction of the Director of Finance and Community Preservation Committee.

**MOTION PASSED.**

**ARTICLE 18:** To see if the Town will appropriate \$68,736 from the CPA General Unreserved Fund to fund a new, regulation size basketball court. Monies will be used to create a basketball court for use adjacent to the Harold Fay Memorial Playground located on Central Street, Southborough, MA; said funds to be expended under the direction of the Director of Finance and Community Preservation Committee, or take any other action thereto.

**Proposed by: COMMUNITY PRESERVATION COMMITTEE**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *This article will fund a project led by the Recreation Department to create a new, regulation size basketball court at the Harold E. Fay Memorial Park located on Central Street.*

**MOTION MADE:** That the Town vote to appropriate \$68,736 from the CPA General Unreserved Fund to fund a new, regulation size basketball court. Monies will be used to create a basketball court for use adjacent to the Harold Fay Memorial Playground located on Central Street, Southborough, MA; said funds to be expended under the direction of the Director of Finance and Community Preservation Committee.

**MOTION PASSED.**



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**ARTICLE 19:** To see if the Town will appropriate \$153,000 from the CPA General Unreserved Fund for the Rehabilitation of Richardson Tennis Courts located near the Neary School, Southborough, MA. Monies will be used to add lighting to the Richardson Tennis Courts to extend playing time; said funds to be expended under the direction of the Director of Finance and Community Preservation Committee, or take any other action thereto.

**Proposed by: COMMUNITY PRESERVATION COMMITTEE**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *Under the direction of the Recreation Department, the funds will be used to purchase and install lighting at the Richardson Tennis Courts to extend playtime for the community.*

**MOTION MADE:** That the Town vote to appropriate \$153,000 from the CPA General Unreserved Fund for the Rehabilitation of Richardson Tennis Courts located near the Neary School, Southborough, MA. Monies will be used to add lighting to the Richardson Tennis Courts to extend playing time; said funds to be expended under the direction of the Director of Finance and Community Preservation Committee.

**MOTION PASSED:** 91 in favor, 87 opposed.

**ARTICLE 20:** To see if the Town will appropriate \$220,700 from the CPA General Unreserved Fund to fund lighting at Mooney Field-Major Diamond. Monies will be used to add lighting to Mooney Field baseball diamond to extend playing time; said funds to be expended under the direction of the Director of Finance and Community Preservation Committee, or take any other action thereto.

**Proposed by: COMMUNITY PRESERVATION COMMITTEE**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *Under direction of the Recreation Department, the funds will be used to purchase and install lighting at the Mooney Field/Major Diamond to help alleviate congested schedules on the Town playing fields. This will help not only baseball but other sports where baseball shares outfields with soccer.*

**MOTION MADE:** That the Town vote to appropriate \$220,700 from the CPA General Unreserved Fund to fund lighting at Mooney Field-Major Diamond. Monies will be used to add lighting to Mooney Field baseball diamond to extend playing time; said funds to be expended under the direction of the Director of Finance and Community Preservation Committee.

**MOTION PASSED.**

**MOTION TO ADJOURN THE ANNUAL TOWN MEETING TO RECONVENE THE MARCH 8, 2017  
SPECIAL TOWN MEETING PASSED.**

**ARTICLE 21:** To see if the Town will vote to accept the amended provisions of Mass. General Law Chapter 59 Section 5K, entitled: "Property tax liability reduced in exchange for volunteer services; persons over age 60", or do or act anything in relation thereto.

**Sponsored by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *This article will allow a senior citizen who provides services to the town under the senior tax work-off program, to reduce their property tax liability up to \$1,500.00. The current limit is \$1,000.00.*

**MOTION MADE:** That the Town vote to accept the amended provisions of Mass. General Law Chapter 59 Section 5K, entitled: "Property tax liability reduced in exchange for volunteer services; persons over age 60".

**MOTION PASSED.**

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**ARTICLE 22:** To see if the Town will vote to accept an easement on Main Street from the Trustees of Fay School of Southborough, Inc., described as a Municipal Storm Water Easement for a perpetual right and easement to install, reconnect, and maintain storm drains and drainage structures, as shown and depicted on a plan entitled "Easement Plan" prepared by Vanasse Hangen Brustlin, Inc., 101 Walnut Street, P.O. Box 9151, Watertown, MA 02471-9151, (617)-924-1770, Scale; 1 inch = 40 feet, Date: October 2015'; or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *This easement was granted to the Town by Fay School in order to improve storm water drainage on Main Street, by tying in the municipal system to the existing School infrastructure as part of the Main Street project to begin in 2017.*

**MOTION MADE:** That the Town vote to accept an easement on Main Street from the Trustees of Fay School of Southborough, Inc., described as a Municipal Storm Water Easement for a perpetual right and easement to install, reconnect, and maintain storm drains and drainage structures, as shown and depicted on a plan entitled "Easement Plan" prepared by Vanasse Hangen Brustlin, Inc., 101 Walnut Street, P.O. Box 9151, Watertown, MA 02471-9151, (617)-924-1770, Scale; 1 inch = 40 feet, Date: October 2015'.

**REQUIRES A 2/3 VOTE.**

**MOTION PASSED.**

**ARTICLE 23:** To see if the Town will vote to adopt as Chapter 9, Article 017 §9-29 through §9-33 of the Town bylaws, the following:

**Article VIII Municipal Technology Committee**

**§9-29 Purpose**

Because a wide range of technologies play an increasing role in the lives of the Town's citizens and the work of its employees, the Town needs a coordinated approach to their adoption and use. As more fully described in the remainder of this Article VIII, this article establishes a committee that will be responsible for creating a rolling five-year Strategic Plan for the Town's technologies across all government entities, and will ensure consistent interpretation and execution of that plan. The committee will work in collaboration with the various government entities that use/propose technologies. It will report on the plan to the Town Meeting and advise Town Meeting on proposed expenditures for technology.

**§9-29-A Establishment; Membership; Qualifications**

There shall be a Municipal Technology Committee ("MTC"), which shall consist of five voting members and the non-voting ex-officio members identified below.

Each voting member shall be a resident of the Town and shall not be a Town officer or employee. Each voting member shall have significant relevant professional experience and knowledge of one or more of the Technologies used, or proposed to be used, by the Town.

The voting members shall be appointed as follows: two by the Board of Selectmen, two by the School Committee, and one by the Library Board of Trustees.

**§9-29-B Appointments; Terms; Vacancies; Removal**

Voting members shall be appointed for three-year terms. The initial appointments shall be two members for three years, two members for two years, and one member for one year, so as to establish overlapping terms. For subsequent appointments, the appointing authority shall request that the MTC review the qualifications of prospective appointees, but the final determination of who is selected shall rest with the appointing authority.

Any voting member who shall remove from the Town, resign, or die shall cease to be a member. When notified that any voting member has failed to faithfully discharge his duties, or has failed without good cause to attend at least three quarters of the full MTC meetings held in any six month interval: the respective appointing authority shall promptly

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give notice, hold a hearing and determine whether such member shall be removed from the MTC. In any case of a vacancy in the voting membership, the respective appointing authority shall, within thirty days, appoint a replacement for the balance of the unexpired term.

Regular ex-officio (non-voting) members may be appointed as follows: one each by The Board of Selectmen, the School Committee, the Library Board of Trustees and the Board of Health. ("Boards") Regular ex-officio members serve at the pleasure of their appointing authorities, and may be non-resident Town officers or employees. They shall be the persons most responsible for Technology used by their respective Board.

Additional ad-hoc ex-officio (non-voting) members may be added by the Boards, but only with the consent or by the request of a majority vote of the MTC. Such ad-hoc members serve at the pleasure of the appointing authority and of the MTC on a temporary basis for so long as needed by the business of the MTC. They may be non-resident Town officers or employees.

**§9-29-C Organization; Meetings**

The members shall select, from among themselves, a Chairman and a Secretary. The MTC shall promulgate such rules of procedure as may be reasonable and useful for its efficient operation, and may from time to time amend these rules by a majority vote of the members. These rules shall specify that non-voting members have the right to full participation in all deliberations, except as may be restricted by applicable law. No amendment to the rules shall be considered without prior notice to all members.

The MTC shall ordinarily and preferentially meet in the Town, but may conduct meetings, investigations or inspections within the scope of its duties and authority anywhere, subject to standard Town travel budgets and policies.

The MTC may appoint from its own membership subcommittees and delegate to them such of its powers as it deems expedient.

All reports and recommendations of the MTC made to the Town shall be voted by a majority of the voting members of the MTC, but this shall not be construed to prevent recommendations by a minority nor to discourage full participation by the non-voting members.

**§9-29-D Staffing**

Subject to available funding, the MTC shall have the authority to engage consultants (paid or volunteer) ("Consultants") when its membership does not include the expertise necessary to evaluate specific projects. The MTC may direct Consultants to act to investigate and/or to report to the MTC on Technology and/or its use, proposed use, or discontinuance in the Town. When the MTC determines that a Consultant reasonably requires the assistance of a Technology Manager to complete a task assigned to him by the MTC, the MTC shall deliver a request for assistance to either the Technology Manager or to the Technology Manager's supervisor. All reasonable requests for assistance shall be approved by the Technology Manager's supervisor. The MTC may accept a reasonable alternative approach suggested by the Technology Manager or the Technology Manager's supervisor. The MTC may not delegate its powers to Consultants.

The MTC shall have no permanent staff, but the Town Administrator shall provide reasonable administrative support.

The Town Administrator and ex-officio members shall provide reasonable access to other employees as may be requested by the MTC. Such access shall be subject to the approval of the affected employees' direct supervisor(s).

**§9-29-E Funding**

The MTC shall have a budget for Consultants and other expenses. It shall submit its projected expenses to the Town's regular budget process. Any expenditures from its budget shall require a majority vote of the MTC, and be subject to the Town's policies for such expenditures. Unless otherwise agreed or budgeted, expenses attributable to ex-officio members shall be paid by their respective appointing authorities. Expenses attributable to voting members shall be paid from the MTC budget.

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**§9-30 Functions and Definitions**

The duty of the MTC shall be to recommend and document an overall technology strategy for the Town and to proactively lead the Town's development and implementation of this strategy.

Further, the MTC shall proactively advise the Boards, other Town Entities, the Town Administrator, and their designated employees ("Technology Managers") responsible for purchasing and utilizing technologies used to provide Town services.

In this Article VIII, "Technologies" include, but are not limited to: Information Technology/Data Processing equipment and Software, Computer Networks, Voice/FAX systems, Intelligent building control systems, SCADA, Mobile computing technologies (e.g. cellular telephones, tablets and laptops), Radio communications, Audio-Visual technologies, Emergency communications and future technologies as they arise.

In this Article VIII, the phrase "Town Entities" includes any Town board, committee, or agency of Town government, or subsidiary organization of any of these, whether statutory, elected or appointed, that uses or proposes to use Technologies; and/or which expends or proposes to expend funds for Technologies and/or related services.

**§9-31 Mission and Authority**

The MTC shall, as more fully described in the entirety of this Article VIII, address matters of Technology in the Town, including but not limited to: information delivery; ensuring access to communications technology; increasing the efficiency of transactions involving the Town; and ensuring the effective deployment of infrastructure for the Town's operations and the Town's citizens.

The MTC shall work to ensure that all Town Entities utilize technology in a common, effective and cost effective manner for the benefit of the Town, its operations and its residents.

**§9-31-A Plans and Reviews**

Technology Managers shall notify the MTC when any plan for adopting, discontinuing, expanding or reducing Technologies is being formulated and shall provide the MTC with the opportunity to participate in the development of such plans and to obtain and budget for any necessary Consultants. All such plans shall be timely submitted to the MTC for final review and comment prior to committing to their implementation. These reviews shall consider and identify: consistency with the Strategic Plan, opportunities for efficiencies and improved service, and impact on other Town Entities and the Town's citizens. The MTC may consider and identify other relevant issues and related matters during these reviews. These reviews shall be documented and considered by the Technology Managers and their respective Boards or Town Entities, which shall provide the MTC with their final plans and any subsequent changes thereto.

Notwithstanding the preceding paragraph, the MTC's rules of procedure may specify an exception process for emergencies significantly affecting service delivery and/or criteria that set a threshold for reviewing such plans. The MTC shall use reasonable judgment in establishing such process and/or criteria so as to balance operational efficiency with execution to the Strategic Plan.

The MTC shall have the authority to inspect and review, in conjunction with the Technology Managers, any of the Town's Technology-based processes, systems and operations to identify progress and issues with implementing the Strategic Plan. The MTC shall provide reasonable notice prior to such inspections and reviews.

The goal of all MTC inspections and reviews shall be to provide significant insight and advice that will improve consistency with and implementation of the Strategic Plan and which may provide for the successful implementation of projects.

**§9-31-B Strategic Plan**

The MTC shall provide strategic planning and advice to the Technology Managers, the Boards, other Town Entities and the Town Administrator. In conjunction with the Technology Managers, the MTC shall maintain a rolling five-year strategic plan ("Strategic Plan") for the Town's technologies, which shall be accessible to the public. The MTC may report on the Strategic Plan to Town Meeting.

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The Strategic Plan shall consider, but is not limited to:

- a) capital requests for technologies, taking into consideration the goals of maximizing efficiency and cost effectiveness, removing unnecessary redundancy, and ensuring, to the extent reasonably possible, the compatibility of each request with other existing or proposed systems;
- b) the specifications to be considered for information and communications systems and other Technologies when constructing or renovating Town facilities;
- c) matters relating to information technology policy, specifically with reference to issues of security, privacy, risk, future technology, legal or regulatory requirements and the provision of government services to the public through information technology; and
- d) how to stimulate and support the development of appropriate technology initiatives and activities that may increase communication and information exchange within Town Entities, between Town Entities and its residents, and among Town residents.

In developing and maintaining the Strategic Plan, the MTC shall, to the maximum extent feasible, integrate its processes with those of any Town Entities that have or develop a strategic planning process, for Technology or otherwise. As may be agreed between such Town Entities and the MTC, the MTC may participate in the Town Entities' planning processes in order to maximize efficiency of all planning processes and to realize consistency with the Strategic Plan.

**§9-31-C Limitations; Other Agencies**

The MTC does not have the authority to direct or require that a Technology Manager, Board or other Town Entity make (or not make) a specific Technology-related decision.

The MTC shall not interfere with the School Committee's development or choice of instructional methods and curriculum nor with its selection of instructional materials, but the MTC shall have the same duties with respect to infrastructure planning and non-instructional systems as it does for the other Boards and Town Entities. The MTC may report to the School Committee on Technology issues and trends that may affect education, but such reports shall be informative, and shall not be binding on the School Committee.

The MTC may meet with other governmental agencies to discuss opportunities for interoperation, efficiencies or other synergies. However, the MTC does not have the authority to commit the Town to pursue such opportunities, which authority rests with the Boards, other Town Entities, and/or their designees.

**§9-32 Reporting**

From time to time, as may be necessary, the MTC shall report to the Boards on major technology issues affecting the Town and its citizens, including its progress toward completing the Strategic Plan.

From time to time, as may be necessary, the MTC shall report to the Town Meeting on its activities, the Town's Technology needs, and progress toward completing the Strategic Plan.

The MTC shall review and consider all matters included within the articles of any warrant for a Town Meeting hereafter issued that involve a material expenditure of funds for technology and/or involve significant changes in technology that affect Town services. The MTC shall, after due consideration of the subject matter in said articles, report thereon, in print or otherwise, such information and recommendations as it shall deem best regarding such matters. The Moderator shall solicit the recommendation of the MTC for each such article prior to general discussion of and vote on the article at Town Meeting. The MTC shall use reasonable judgment in establishing the threshold for issuing these recommendations.

**§9-33 Conflict of Law; Interpretation**

In the event that a court of competent jurisdiction determines that any clause or provision of this Article VIII is unenforceable, this Article VIII shall be deemed modified to the minimum extent necessary to correct such defect, while maximally maintaining the intent of this Article VIII .

The section headings and numbering of this Article VIII are for convenience and shall not be construed to modify the interpretation of the article.

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In this Article VIII , the masculine forms (including "his", "he", and "him") are used inclusively to refer to any person regardless of gender or sexual orientation.

In this Article VIII , terms are defined in quotation marks within parenthesis, and their uses are indicated by capitalization. The definition of each such term applies to its use in the entirety of this Article VIII , whether or not the definition appears before such use.

In this Article VIII : the word "will" is to be interpreted as descriptive of an outcome or process and not as an imperative; the word "shall" is to be interpreted in the imperative sense of "must" or "is required to"; while the word "may" is to be interpreted in the permissive sense of "optionally", or "has discretion whether or not to".

, or act or do anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *The current Municipal Technology Committee is an ad-hoc committee appointed by the Board of Selectmen that advises on technology issues for the Town-side departments. The new standing committee, as proposed, establishes a committee that will be responsible for creating a rolling five-year Strategic Plan for the Town's technologies across all government entities, and will ensure a coordinated approach for that plan. This bylaw will formalize the informal collaboration that already exists between the Town and School, and ensure that economies of scale are achieved whenever possible.*

**MOTION MADE:** That the Town vote to adopt as Chapter 9, Article VIII §9-29 through §9-33 of the Town bylaws, regarding the creation of a Municipal Technology Committee, as printed in the warrant.

**MOTION PASSED.**

**Approved by the Attorney General on August 17, 2017.**

**MOTION TO ADJOURN THE ANNUAL TOWN MEETING AND TO RECONVENE ON APRIL 27, 2017  
AT 7:00PM PASSED UNANIMOUSLY.**

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**A**t the Adjourned Annual Town Meeting duly called and held in the P. Brent Trottier Middle School, Southborough, on Thursday, April 27, 2017 at 7:00PM the following ARTICLES were voted on in a legal manner. There was a quorum present (100 Voters = quorum); 160 voters were present.

**The Deputy Town Moderator, Roger Challen, called the meeting to order at 7:23pm.**

<b>MOTION TO WAIVE THE READING OF THE WARRANT PASSED.</b>
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**(MOTION TO MOVE ARTICLES 26 – 30 FORWARD HAD PASSED ON APRIL 26, 2017.)**

**ARTICLE 26:** To see if the Town will vote to amend the Code of the Town of Southborough, Zoning Article III, by adding thereto Section 174-13.8, entitled Adaptive Reuse of Historic Buildings.

**“§ 174-13.8. Adaptive Reuse of Historic Buildings**

**A. Purpose and Intent**

The purpose of this section is to allow for and provide incentives for the adaptive reuse of Historical Buildings in a manner that ensures compatibility with their surroundings and that preserves their historical nature and appearance. This section is intended to promote the preservation of Historic Buildings by allowing Historic Buildings to be adapted for a purpose other than that for which they were originally built, thereby enhancing the community’s appearance and preserving Southborough’s architectural legacy for future generations.

The incentives of this Section 174-13.8 are allowed only by special permit from the Special Permit Granting Authority (SPGA), which shall be the Planning Board. The incentives include the creation of alternative uses for Historic Buildings while maintaining controls to accomplish the following objectives:

1. Preserve the exterior features of such Historic Buildings to ensure sensitivity and compatibility with the surrounding neighborhoods; and
2. Provide an economic incentive to maintain and rehabilitate Historic Buildings.
3. Encourage the adaptive reuse of Historic Buildings where such reuse will more effectively preserve and enhance the architectural character of the surrounding neighborhood than would the redevelopment of the site upon demolition or significant exterior modification to these Historic Buildings.

It is not the intent or requirement of the Section that all renovations to all Historic Buildings must be applied for and approved under this Section. It is a voluntary choice to be made by the Applicant if the Applicant wishes to take advantage of the incentives provided herein.

**B. Uses Permitted**

Any uses permitted in the zoning district in which the Historic Building is located shall be permitted by right. The following uses are only **allowed** by special permit pursuant to Section 174-9 except as provided herein, and are subject to the Site Plan Approval process pursuant to Section 174-10 except as provided herein.

**1. Residential Buildings**, including single family houses with or without accessory structures

- a. **Accessory Apartments:** One (1) accessory apartment or separate rental unit. The accessory apartment shall comply with the following conditions and requirements:
  - i. The habitable floor area of the accessory unit shall not exceed thirty-five percent (35%) of the habitable floor area of the entire dwelling, plus that of any accessory building used for the accessory dwelling.
  - ii. There is no other apartment on the lot on which the accessory apartment is proposed.
  - iii. Not more than the required minimum exterior alterations will be made to the single-family house and to any accessory buildings as determined by the SPGA upon written recommendation of the Historical Commission.

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- iv. The number of accessory apartments approved under this Section shall not be subject to Section 174-9 B (4) which limits the number of accessory apartments that can be permitted.
  - b. Customary Home Occupations. The use of a portion, not exceeding thirty-five percent (35%) of a one-family home, including the accessory buildings, by persons resident therein, for a gainful occupation that is clearly incidental and secondary to the use as a residence and may not employ more than three (3) persons not resident therein. All other provisions of Customary Home Occupations, as defined in Section 174-2, shall continue to apply.
  - c. The following uses, which are deemed to be outside the normal definition of Customary Home Occupations, shall comply with all the requirements of paragraph (b) above, provided the Residential Building is the primary residence of the owner for voting and property tax purposes and subject to hours of operation to be specified by the SPGA.
    - i. Art Gallery
    - ii. Florist
    - iii. Antique Shop
    - iv. Bakery without customer seating
    - v. Publisher
    - vi. Professional Office
    - vii. Other similar uses allowed by SPGA on the recommendation of the Historical Commission
  - d. Bed and Breakfast; with the number of guestrooms to be determined by the SPGA
- 2. Commercial/Municipal Buildings:**
- a. All uses listed in Subsection 1. above, but with no limit on floor area or number of employees
  - b. Apartments or condominiums
  - c. Child care facility and/or elder care facility
  - d. Medical clinic and ancillary offices and facilities
  - e. Research and Development uses, excluding ancillary manufacturing, assembly, sale or resale (or storage for sale or resale) of any goods, items, or materials
  - f. Restaurant/Pub
  - g. Educational facilities
  - h. Athletic / recreational uses
  - i. Mail order business
- 3. Prohibited Uses:** The following uses, occupations and activities are expressly prohibited:
- a. Commercial servicing, maintenance, or restoration of motor vehicles
  - b. Trucking or warehousing activities
  - c. Sale of articles (except as provided in the subsections 1. and 2. above)
  - d. Other uses, occupations and activities that are prohibited elsewhere in Section 174.
- 4. Multiple or Mixed Uses:**
- a. For residential buildings, there will be no more than two (2) uses, as identified in paragraph B, section 1, item c. above, provided that the uses are compatible with each other and comply with Section 174-9, except as provided herein. Regardless of the number of uses allowed by the SPGA, there shall be no more than three (3) persons employed who are not resident therein, and the use of a portion of a one-family home, including accessory buildings, shall not exceed thirty-five percent (35%).
  - b. For commercial/municipal buildings, there will be no more than three (3) uses as identified in paragraph B, Section 2 above, provided that the uses are compatible with each other and comply with Section 174-9 except as provided herein.

**C. Controls on Dimensions and Restoration/Renovation**



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**1. Controls on Dimensions:** Changes to the size of the building, or exterior dimensions of such Building shall be subject to dimensional controls of the Town's Zoning Bylaw, unless modified by special permit pursuant to Section 174-9 and/or Section 174-19, or as permitted under this Section. For any reuse of a Historic Building, the following provisions shall apply:

- a. An increase in the footprint of the building being considered for reuse will be permitted, provided the proposed increase expands by no more than fifteen percent (15 %) of the square footage of the existing structure's footprint, conforms to existing setback requirements, does not increase any non-conformity of the existing structure and is required by one or both of the following:
  - i. Conformity with provisions of the Americans with Disabilities Act.
  - ii. A reuse that requires functional or structural changes necessary for the intended new use, as consistent with state building code or as required by the Building Commissioner
- b. Except for the Historic Building, access ways, walkways, required parking and loading spaces, the open area of the entire site shall not be diminished. Such open area shall be left in its existing condition or improved so as to be appropriate in size, shape, dimension, location and character to assure its proper functioning as an amenity for the site.
- c. No permanent additional buildings or structures of any type, and no enclosed storage of any kind, shall be allowed except as permitted by the SPGA.

**3. Controls on Restoration/Renovation:**

- a. There shall be no change to the architectural footprint except as allowed pursuant to paragraph C, subsection 1, item a. above.
- b. External architectural features shall be preserved and/or restored per the recommendation of the Historical Commission.
- c. Exterior restoration shall follow the preservation guidelines outlined in the *Federal Secretary of Interior Standards for Rehabilitation* on file with the Town Clerk's office, and the Applicant must submit a letter of findings from the Southborough Historical Commission as part of the submission of the Application to the SPGA.

**D. Application Submission Requirements and Procedure**

- 1. **Pre-Application Review.** Prior to submitting a formal application, the Applicant is strongly encouraged to request a pre-application review to be held at a public meeting of the SPGA. The purpose of the pre-application review is to simplify the process for Applicants and to commence discussions with the SPGA at the earliest possible stage of development. At the pre-application review, the Applicant may outline the proposed project for adaptive reuse, seek preliminary feedback from the SPGA and the Historical Commission and/or their technical experts, and set a timetable for submitting a formal application. While no formal filings are required for the pre-application review, the Applicant is encouraged to prepare sufficient preliminary architectural and/or engineering drawings to provide the SPGA with clarity regarding the scale and overall design of the proposed project. Nothing in the pre-application process should suggest a subsequent grant of a special permit which must stand separate on later submittals.
- 2. **Historical Commission Review.** The Applicant shall submit their proposal to the Historical Commission for review.
- 3. **Formal Application Submission Requirements For the Special Permit:** Applicants for Adaptive Reuse of Historic Buildings Special Permit shall file with the SPGA seventeen (17) copies of submission materials, of which ten (10) sets of the plans should be full size and the balance in 11" x 17" format, and one electronic version of the plans. Submission materials shall include the following:

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- a. A narrative stating the historical significance of the structures and/or site, and an architectural description of the structures
- b. Photographs of all existing elevations
- c. Interior floor plan(s) showing the proposed uses of interior space with the gross floor area for each use
- d. Proposed outdoor lighting
- e. Parking – existing and proposed
- f. If new construction or additions are proposed, a perspective drawing showing the new construction or additions in relation to existing structure(s) on the site and on adjacent land.
- g. A letter of findings from the Historical Commission on whether the project complies with the Dimension and Restoration / Renovation Controls cited in C above
- h. A plan showing existing and proposed landscaping on the site
- i. Adequate waste disposal and surface and subsurface storm water drainage. Site plans and specifications shall be submitted with the application and shall be prepared, signed and stamped by a registered land surveyor, registered professional engineer or registered architect. At the time of Special Permit application filing, the Applicant shall submit copies of all such plans to the Building Commissioner, Board of Health, and other appropriate authorities as may be directed by the SPGA. The SPGA shall solicit and consider comments relative to the proposed project from such boards, commissions, committees, authorities and individual residents.
- j. Additional information or supplemental impact statement(s), as requested by the SPGA, based on the project's scope and the physical characteristics of the parcel.
- k. The SPGA, at its discretion, may reasonably modify or waive the application submission requirements herein to stay consistent with the intent and purpose of this Section of the Zoning Bylaw.

**E. Special Permit Application Review Procedure:**

1. Once an application for Adaptive Reuse of Historic Buildings Special Permit has been filed under this section, no structure shall be erected, enlarged or modified; and no land shall be divided, subdivided or modified prior to the granting or denial of said permit.
2. The Adaptive Reuse of Historic Buildings Special Permit application shall be submitted, considered, and issued in accordance with the provisions herein, with the Zoning Bylaw and with all other applicable regulations.
3. Prior to the filing of an Application for an Adaptive Reuse of Historic Buildings Special Permit, the Applicant shall submit plans to the Building Commissioner, who shall advise the Applicant as to the pertinent sections of the Zoning Bylaw
4. Following the Building Commissioner's review, the Applicant shall submit copies of the Application to the SPGA.
5. Pursuant to M.G.L., c.40A, Section 9, and after due notice, the SPGA shall hold a public hearing.
6. All boards, commissions and departments which have relevant jurisdiction over this proposed project shall, within thirty-five (35) days of receiving a copy of said application, submit a written report containing recommendations with supporting reasons to the SPGA and may recommend conditions deemed appropriate for the proposed use. The SPGA shall not render a decision on any such application until said recommendations have been received and considered *or* until the thirty-five (35) day period has expired, whichever is earlier. Failure of such agencies to timely submit their respective recommendations shall be deemed concurrence thereto.

**F. Decision and Special Permit Criteria**

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1. The SPGA shall have the authority to approve, disapprove or approve with conditions an Adaptive Reuse of Historic Buildings Special Permit. Any disapproval by the SPGA shall include identification of any modifications to the plan that would make it acceptable to the SPGA if the Applicant subsequently decides to make a new application. This authority shall not eliminate, decrease or abrogate the powers of any other Town board, committee, commission or other authority having legal jurisdiction, except to the extent that such authority is specifically granted by this section. It shall be the duty and responsibility of the Applicant to secure any and all other permits, licenses and approvals necessary to the project.
2. The criteria for decision shall be consistent with Section 174-9 and shall include the following:
  - a. Preservation: The proposal preserves the historic building's exterior features to ensure sensitivity and compatibility with the surrounding neighborhood(s).
  - b. The incentives granted shall be appropriate in degree and type to the scale and benefits the project will provide.
  - c. Uses Permitted: The reuse of buildings and the lot are consistent with the uses allowed in section B.
  - d. Adequate Access and Parking: There are adequate provisions for safe access for pedestrians, motor vehicles and emergency services to the building and to the land on which it is situated.
3. The Adaptive Reuse of Historic Buildings Special Permit shall run with the land.

**G. Site Plan Review Process**

In order to provide a detailed design review of any reuse of Historic Buildings for which an Adaptive Reuse of Historic Buildings Special Permit is being sought, there shall be a site plan review by the Planning Board as described in Section 174-10."

; Or act or do anything in relation thereto.

**Proposed by: SOUTHBOROUGH HISTORICAL COMMISSION and PLANNING BOARD**

**Board of Selectmen Recommendation:** At Town Meeting

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *This article proposes to add "Adaptive Reuse of Historic Buildings" to Zoning Article III as a special permit option. The purpose of the Adaptive Reuse of Historic Buildings is to allow for and provide incentives for the adaptive reuse of Historic Buildings.*

**MOTION MADE:** That the Town vote to amend the Code of the Town of Southborough, Zoning Article III, by adding thereto Section 174-13.8, entitled Adaptive Reuse of Historic Buildings, as printed in the warrant.

**AMENDMENT MADE:** That the Town vote to delete in its entirety of paragraph 174-13.8 B.1.d which reads as follows: "d. Bed and breakfast, with the number of guestrooms to be determined by the SPGA" and replace it with the following new paragraph: "d. Renting of rooms including bed and breakfast to more than four (4) persons by a resident family in a one-family house, with the number of persons above four (4) to be determined by the SPGA".

**AMENDMENT PASSED.**

**REQUIRES A 2/3 VOTE.**

**MAIN MOTION AS AMENDED PASSED.**

**Approved by the Attorney General on August 17, 2017.**

**ARTICLE 27:** To see if the Town will vote to amend the Code of the Town of Southborough, Zoning Article I, Section 174-2, Definitions, Subsection B. Customary Home Occupation, by adding the following sentence at the end of the definition:

"Provided, however, that exceptions are provided in Section 174-13.8 titled Adaptive Reuse of Historic Buildings."  
So that the amended Definition reads as follows:

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Customary Home Occupation - The use of a portion, not exceeding 25%, of a one-family home, including the accessory buildings, by persons resident therein for a gainful occupation that is clearly incidental and secondary to the use as a residence; that does not generate a significant increase in traffic, noise, smoke, vibration, dust, odors, glare, unsightliness or other effects not normally produced by a residence; that involves no exterior display or storage of goods, tools, materials or equipment or the parking of more than one commercial vehicle; that gives no exterior indication of such occupation, other than one sign not over four square feet; that involves only motive power normally found in a home; that does not employ more than two persons not resident therein; that involves the exercise of artistic, domestic, personal or professional skills; and that requires the approval of the Board of Health for disposal of any waste generated by such occupation that differs in quantity or composition from domestic solid or liquid waste. Provided however that exceptions are provided in Section 174 -13.8 titled *Adaptive Reuse of Historic Buildings*.

, or do or act anything in relation thereto.

**Proposed by: SOUTHBOROUGH HISTORICAL COMMISSION and PLANNING BOARD**

**Board of Selectmen Recommendation:** At Town Meeting

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** This article proposes to amend the definition for *Customary Home Occupation* to Southborough's Zoning Code under Section 174-2 of Zoning Article I. The amended definition adds a reference to exemptions provided in the proposed Adaptive Reuse of Historic Buildings Bylaw Section 174-13.8.

**MOTION MADE:** That the Town vote to amend the Code of the Town of Southborough, Zoning Article I, Section 174-2, Definitions, Subsection B. Customary Home Occupation, by adding the following sentence at the end of the definition as further printed in the warrant: "Provided, however, that exceptions are provided in Section 174-13.8 titled Adaptive Reuse of Historic Buildings."

**REQUIRES A 2/ 3 VOTE.**

**MOTION PASSED.**

**Approved by the Attorney General on August 17, 2017.**

**ARTICLE 28:** To see if the Town will vote to amend the Code of the Town of Southborough, Zoning Article I, Section 174-2. Definitions, Subsection B, by adding the following definition:

Historic Building(s) - A building or structure listed on the *Historic Properties Survey of Southborough Massachusetts June 2000*, on file with the Town Clerk's office, and as may be subsequently amended and approved by the Southborough Historical Commission, or any other building or structure that is more than 85 years old.

, or do or act anything in relation thereto.

**Proposed by: SOUTHBOROUGH HISTORICAL COMMISSION and PLANNING BOARD**

**Board of Selectmen Recommendation:** At Town Meeting

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** This article proposes to add a definition for *Historic Building(s)* to Southborough's Zoning Code under Section 174-2 of Zoning Article I. This definition designates buildings listed in the *Historic Properties Survey of Southborough Massachusetts* or buildings that are more than 85 years old as historic.

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**MOTION MADE:** That the Town vote to amend the Code of the Town of Southborough, Zoning Article I, Section 174-2. Definitions, Subsection B, by adding the following definition:

Historic Building(s) - A building or structure listed on the Historic Properties Survey of Southborough Massachusetts June 2000, on file with the Town Clerk's office, and as may be subsequently amended and approved by the Southborough Historical Commission, or any other building or structure that is more than 85 years old.

**REQUIRES A 2/3 VOTE.**

**MOTION PASSED.**

**Approved by the Attorney General on August 17, 2017.**

**ARTICLE 29:** To see if the Town will vote to amend the Code of the Town of Southborough, Zoning Article III, Section 174-8.2. RA Residence A District, Subsection B. Uses by Special Permit, by adding the following in correct numerical sequence:

(13) Adaptive Reuse of Historic Buildings Bylaw (Note: Special Permit from Planning Board)

, or do or act anything in relation thereto.

**Proposed by: SOUTHBOROUGH HISTORICAL COMMISSION and PLANNING BOARD**

**Board of Selectmen Recommendation:** At Town Meeting

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** This article proposes to add "Adaptive Reuse of Historic Buildings Bylaw" as a use by special permit under Zoning Article III, Section 174-8.2.

**MOTION MADE:** That the Town vote to amend the Code of the Town of Southborough, Zoning Article III, Section 174-8.2. RA Residence A District, Subsection B. Uses by Special Permit, by adding the following in correct numerical sequence:

(13) Adaptive Reuse of Historic Buildings Bylaw (Note: Special Permit from Planning Board)

**REQUIRES A 2/ 3 VOTE.**

**MOTION PASSED.**

**Approved by the Attorney General on August 17, 2017.**

**ARTICLE 30:** To see if the Town will vote to amend the Code of the Town of Southborough, Zoning Article III. Use Regulations, Section 174-10. Site Plan Approval, Subsection A, by adding the following in correct numerical sequence:

(5) Adaptive Reuse of Historic Buildings

, or do or act anything in relation thereto.

**Proposed by: SOUTHBOROUGH HISTORICAL COMMISSION and PLANNING BOARD**

**Board of Selectmen Recommendation:** At Town Meeting

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** This article proposes to add "Adaptive Reuse of Historic Buildings" as a use which must meet the requirements for Site Plan Approval under Zoning Article III, Section 174-10.

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**MOTION MADE:** That the Town vote to amend the Code of the Town of Southborough, Zoning Article III. Use Regulations, Section 174-10. Site Plan Approval, Subsection A, by adding the following in correct numerical sequence:

(5) Adaptive Reuse of Historic Buildings

**REQUIRES A 2/3 VOTE.**

**MOTION PASSED.**

**Approved by the Attorney General on August 17, 2017.**

**(MOTION TO MOVE ARTICLES 26 – 30 FORWARD HAD PASSED ON APRIL 26, 2017.)**

**ARTICLE 24:** To see if the Town will vote to authorize the Board of Selectmen to dispose of certain parcels of land with structures thereon deemed surplus property with no further public purpose, by deed of conveyance, grant or transfer after appraisals have been obtained and upon such terms and conditions as the Board of Selectmen deem appropriate. Said parcels of land being described as follows: 40 Central Street, having been acquired by deed dated May 13, 1999 and recorded in the Worcester Registry of Deeds at Book 21382, Page 260; 42 Central Street, commonly known as Fayville Village Hall, having been acquired by deed dated May 2, 1911 and recorded in said Registry of Deeds at Book 1962, Page 46; or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *The Board of Selectmen have identified two properties which are currently under-utilized and in need of various levels of repair (Fayville Hall, and 40 Central Street). The Selectmen are seeking authorization to dispose of these properties, as they are quickly reaching the end of their useful life as municipal properties, and will soon become financial liabilities.*

**MOTION MADE:** That the Town vote to authorize the Board of Selectmen to dispose of certain parcels of land with structures thereon deemed surplus property with no further public purpose, by deed of conveyance, grant or transfer after appraisals have been obtained and upon such terms and conditions as the Board of Selectmen deem appropriate. Said parcels of land being described as follows: 40 Central Street, having been acquired by deed dated May 13, 1999 and recorded in the Worcester Registry of Deeds at Book 21382, Page 260; 42 Central Street, commonly known as Fayville Village Hall, having been acquired by deed dated May 2, 1911 and recorded in said Registry of Deeds at Book 1962, Page 46.

**AMENDMENT MADE:** That the Town vote to amend the main motion by adding the following sentence after the words “Page 46”, “Such sale to be subject to the preservation restriction on the exterior of Fayville Hall”.

**AMENDMENT FAILS.**

**REQUIRES A 2/3 VOTE.**

**MAIN MOTION PASSED.**

**ARTICLE 25:** To see if the Town will vote to amend Chapter 9 of the General Legislation of the Code of the Town of Southborough, Massachusetts by adding a new article entitled Article VII: Economic Development Committee, as follows:

§9-27 The mission of the Southborough Economic Development Committee (EDC) is to stabilize residential taxes through the growth of the Town’s commercial and industrial tax base while preserving the character and charm of Southborough. The EDC is established to expand and strengthen the local economy, promote job creation, and enhance the Town’s quality of life through prosperous, balanced and sustainable economic development.

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The role of the EDC is to investigate current economic conditions, assist the Town with the creation and execution of appropriate economic development initiatives and marketing opportunities, coordinate activities to enhance or expand economic development, and engage in related activities as necessary to further EDC's mission and purpose.

§9-28 Membership of the Committee

The EDC is a volunteer committee consisting of members of the community who want to assist the Town in maintaining and enhancing a prosperous and sustainable economy. The EDC shall be comprised of no more than nine (9) such persons who shall be appointed by the Board of Selectmen for staggered terms of three (3) years, so that the term of office at least one (1) member expires each year. Efforts shall be made to include a broad representation of the community at large and all appointments shall be made on the basis of the individual's ability to assist in the purpose of the EDC and their willingness to serve.

, or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *This article will codify the Economic Development Committee, which is currently an ad-hoc committee appointed by the Board of Selectmen. Membership is limited to a maximum of nine members, and members serve for 3-year terms.*

**MOTION MADE:** That the Town vote to amend Chapter 9 of the General Legislation of the Code of the Town of Southborough, Massachusetts by adding a new article entitled Article VII: Economic Development Committee, as printed in the warrant.

**MOTION PASSED.**

**ARTICLE 31:** To see if the Town will vote to amend the General By-laws of the Town of Southborough as contained in the Town Code by adding thereto a new Chapter 53 as follows:

"The operation of any marijuana establishment as defined in Massachusetts General Laws, c.94G, Section 1 including without limitation a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana facility is prohibited in all zoning districts of the Town. This prohibition shall not apply to the sale, distribution or cultivation of marijuana for medical purposes, licensed under Chapter 369 of the Acts of 2012 and currently permitted in the Town of Southborough." The adoption of this provision is subsequently subject to a vote of the voters of the Town of Southborough pursuant to the provisions of Massachusetts General Laws, Chapter 94G as follows:

"Shall the Town of Southborough ratify and adopt the action of its Town Meeting held on April 25, 2017 in the passage and approval of a general by-law provision adding a new Chapter 53 to the Code of the Town of Southborough as follows,"

"The operation of any marijuana establishment as defined in Massachusetts General Laws, c.94, Section 1 including without limitation a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana facility is prohibited in all zoning districts of the Town. This prohibition shall not apply to the sale, distribution or cultivation of marijuana for medical purposes, licensed under Chapter 369 of the Acts of 2012 and currently permitted in the Town of Southborough. The adoption of this provision is subsequently subject to a vote of the voters of the Town of Southborough pursuant to the provisions of Massachusetts General Laws Chapter 94G."

, or do or act anything in relation thereto.

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**Proposed by: PLANNING BOARD**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *This article adds a new Chapter 53 regarding recreational marijuana to The Code of the Town of Southborough to prohibit the operation of any marijuana establishment involved in the cultivation, testing, manufacture, distribution, or sale of marijuana for recreational purposes in the Town of Southborough. It does not apply to the same activities related to medical marijuana establishments licensed under Massachusetts General Laws: Chapter 369 of the Acts of 2012 and currently permitted in the Town of Southborough.*

**MOTION MADE:** That the Town vote to amend the General By-laws of the Town of Southborough as contained in the Town Code by adding thereto a new Chapter 53, regarding the prohibition of the operation of any marijuana establishment as defined in Massachusetts General Laws, c.94G, Section 1 in all zoning districts of the Town, as printed in the warrant.

**MOTION PASSED.**

**Approved by the Attorney General on July 7, 2017.**

**ARTICLE 32:** To see if the Town will vote to amend Chapter 174 of the Code of the Town of Southborough entitled "Zoning" by adding thereto the following language in all zoning districts:

"The operation of any marijuana establishment as defined in Massachusetts General Laws, c.94G, Section 1 including without limitation a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana facility is prohibited in all zoning districts of the Town. This prohibition shall not apply to the sale, distribution or cultivation of marijuana for medical purposes, licensed under Chapter 369 of the Acts of 2012 and currently permitted in the Town of Southborough." The adoption of this provision is subsequently subject to a vote of the voters of the Town of Southborough pursuant to the provisions of Massachusetts General Laws, Chapter 94G as follows:

"Shall the Town of Southborough ratify and adopt the action of its Town Meeting held on April 25, 2017 in the passage and approval of a by-law provision amending Chapter 174 of the Code of the Town of Southborough as follows,"

"The operation of any marijuana establishment as defined in Massachusetts General Laws, c.94G, Section 1 including without limitation a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana facility is prohibited in all zoning districts of the Town. This prohibition shall not apply to the sale, distribution or cultivation of marijuana for medical purposes, licensed under Chapter 369 of the Acts of 2012 and currently permitted in the Town of Southborough. The adoption of this provision is subsequently subject to a vote of the voters of the Town of Southborough pursuant to the provisions of Massachusetts General Laws, Chapter 94G."

, or do or act anything in relation thereto.

**Proposed by: PLANNING BOARD**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *This article **amends** Chapter 174-Zoning of The Code of the Town of Southborough, adding language regarding recreational marijuana, to **prohibit** the operation of any marijuana establishment involved in the cultivation, testing, manufacture, distribution, or sale of marijuana for recreational purposes in all zoning districts within the Town of Southborough. It does not apply to the same activities related to medical marijuana establishments licensed under Massachusetts General Laws: Chapter 369 of the Acts of 2012 and currently permitted in the Town of Southborough.*



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**MOTION MADE:** That the Town vote to amend Chapter 174 of the Code of the Town of Southborough entitled “Zoning” by adding thereto the following language in all zoning districts, regarding the prohibition of the operation of any marijuana establishment as defined in Massachusetts General Laws, c.94G, Section 1 in all zoning districts of the Town, as printed in the warrant.

**Requires a 2/3 VOTE.**

**MOTION PASSED.**

**Approved by the Attorney General on July 7, 2017.**

**ARTICLE 33:** To see if the Town will vote to amend Chapter 174 of the Code of the Town of Southborough entitled “Zoning” by adding to Section 174-9 a new subsection (K) as follows:

Recreational Marijuana

(1) General Provisions.

(a) Purpose and intent. This section is enacted in order to serve the compelling interests of the Town to address possible public health, safety and quality of life effects related to the location and operation in the Town of recreational marijuana operations pursuant to Massachusetts General Laws Chapter 94G, Section 3 and all other applicable provisions. This by-law provision establishes specific zoning regulations for the limited establishment of any registered marijuana establishment in appropriate places and under reasonable and practicable conditions, for marijuana products, marijuana accessories and marijuana cultivation and dispensing, all as defined in Massachusetts General Laws Chapter 94G. It is the intent of this section to minimize adverse impacts on adjacent properties, residential neighborhoods, schools and other places where children congregate, and other land uses potentially incompatible with recreational marijuana activities.

(b) Applicability. The cultivation, production, processing, assembly, packaging, retail or wholesale, trade, distribution or dispensing of marijuana is prohibited unless permitted hereunder,

(c) Nothing in this § 174-9K shall be construed to supersede or preempt any federal or state laws governing the sale, distribution or consumption of narcotic drugs. If the application of any provision of this § 174-9K shall be determined to be invalid or unenforceable, the remainder hereof shall not be affected thereby and the provisions of this section are severable.

(2) Basic Requirements.

(a) The Board of Appeals as special permit granting authority may grant a special permit for a registered marijuana establishment only in the Highway Business District [as identified in §174-8.5C(14)], Industrial Park District [as identified in § 174-8.6C(15)], or Industrial District [as identified in § 174-8.7C(14)], and only upon compliance with the following requirements:

[1] No applicant shall have been convicted of violating the provisions of Massachusetts General Laws c. 119, § 63, or c.94C, or similar laws in other jurisdictions.

[2] The applicant or owner has consented in writing to a criminal background check that includes jurisdictions beyond Massachusetts.

[3] A registered marijuana establishment and/or cultivation activities shall only be located (i) on property that borders Route 9, and (ii) not less than 1,000 linear feet from a property line of a school, recreational facility or day-care center, or any facility in which children commonly congregate [see definitions in § 174-9K(2)(c) below] located in the Town of Southborough, and (iii) not less than 100 linear feet from a property line of a residence located in the Town of Southborough, and (iv) not less than 1,000 linear feet from another medical or recreational marijuana facility. The required distances shall be measured from all property lines of the proposed facility.

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[4] Any permitted registered marijuana site shall comply with the requirements of the Town's Sign Bylaw at all times and upon penalty of special permit revocation, shall not use any advertising material that is misleading, deceptive, false, or that is designed to appeal to minors. Off sight signage or advertising in any form, including billboards, is prohibited.

[5] No activities occurring nor products offered within or on the premises of a registered marijuana establishment shall be displayed in the windows or on the building thereof, or be visible to the public from the pedestrian sidewalks or walkways or from other areas, public or semi-public, outside such facility or premises.

(b) No person shall be deemed to have any entitlement or vested rights to permits issued under this by-law by virtue of having received any prior permit from the Town of any kind, including prior permits under this by-law.

(c) For purposes of this § 174-9K, the following terms shall have the meanings ascribed:

DAY-CARE CENTER: Any establishment, whether public or private, that provides care for children and is licensed by the Massachusetts Department of Early Education and Care.

RECREATIONAL FACILITY: A park, playground, forest preserve, conservation area, running trail or track, hiking trail, beach, wading pool, soccer field, baseball field, football field, basketball court, tennis court, hockey rink, dance or gymnastic studio, whether publicly or privately owned, to which the public has a right of access as an invitee.

SCHOOL: Any public or private educational facility that provides services to children in grades 12 or under.

(3) Term of special permit. Any special permit issued pursuant to this § 174-9K shall be valid for a period of two years from the date of issuance. Any renewal of a special permit shall be governed by the then-existing standards and procedures set forth in this by-law, and any regulations adopted pursuant thereto by the Board of Appeals.

The adoption of these by-law provisions are subsequently subject to a vote of the voters of the Town of Southborough pursuant to the provisions of Massachusetts General Laws Chapter 94G as follows:

"Shall the Town of Southborough ratify and adopt the action of its Town Meeting held on April 25, 2017 in the passage and approval of a by-law provision amending Chapter 174 of the Code of the Town of Southborough entitled "Zoning" as follows,"

"Recreational Marijuana

(1) General Provisions.

(a) Purpose and intent. This section is enacted in order to serve the compelling interests of the Town to address possible public health, safety and quality of life effects related to the location and operation in the Town of recreational marijuana operations pursuant to M.G.L. c.94G, Section 3 and all other applicable provisions. This by-law provision establishes specific zoning regulations for the limited establishment of any registered marijuana establishment in appropriate places and under reasonable and practicable conditions, for marijuana products, marijuana accessories and marijuana cultivation and dispensing, all as defined in M.G.L. c.94G. It is the intent of this section to minimize adverse impacts on adjacent properties, residential neighborhoods, schools and other places where children congregate, and other land uses potentially incompatible with recreational marijuana activities.

(b) Applicability. The cultivation, production, processing, assembly, packaging, retail or wholesale, trade, distribution or dispensing of marijuana is prohibited unless permitted hereunder.

(c) Nothing in this § 174-9K shall be construed to supersede or preempt any federal or state laws governing the sale, distribution or consumption of narcotic drugs. If the application of any provision of this § 174-9K shall be determined to be invalid or unenforceable, the remainder hereof shall not be affected thereby and the provisions of this section are severable.

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(2) Basic Requirements.

(a) The Board of Appeals as special permit granting authority may grant a special permit for a registered marijuana establishment only in the Highway Business District [as identified in §174-8.5C(14)], Industrial Park District [as identified in § 174-8.6C(15)], or Industrial District [as identified in § 174-8.7C(14)], and only upon compliance with the following requirements:

[1] No applicant shall have been convicted of violating the provisions of Massachusetts General Laws c. 119, § 63, or c.94C, or similar laws in other jurisdictions.

[2] The applicant has consented in writing to a criminal background check that includes jurisdictions beyond Massachusetts.

[3] A registered marijuana establishment and/or cultivation activities shall only be located (i) on property that borders Route 9, and (ii) not less than 1,000 linear feet from a property line of a school, recreational facility or day-care center, or any facility in which children commonly congregate [see definitions in § 174-9K(2)(c) below] located in the Town of Southborough, and (iii) not less than 100 linear feet from a property line of a residence located in the Town of Southborough, and (iv) not less than 1,000 linear feet from another medical or recreational marijuana facility. The required distances shall be measured from all property lines of the proposed facility.

[4] Any permitted registered marijuana site shall comply with the requirements of the Town's Sign Bylaw at all times and upon penalty of special permit revocation, shall not use any advertising material that is misleading, deceptive, false, or that is designed to appeal to minors. Off sight signage or advertising in any form (including billboards) is prohibited.

[5] No activities occurring nor products offered within or on the premises of a registered marijuana establishment shall be displayed in the windows or on the building thereof, or be visible to the public from the pedestrian sidewalks or walkways or from other areas, public or semi-public, outside such facility or premises.

(b) No person shall be deemed to have any entitlement or vested rights to permits issued under this by-law by virtue of having received any prior permit from the Town of any kind, including prior permits under this by-law.

(c) For purposes of this § 174-9K, the following terms shall have the meanings ascribed:

DAY-CARE CENTER: Any establishment, whether public or private, that provides care for children and is licensed by the Massachusetts Department of Early Education and Care.

RECREATIONAL FACILITY: A park, playground, forest preserve, conservation area, running trail or track, hiking trail, beach, wading pool, soccer field, baseball field, football field, basketball court, tennis court, hockey rink, dance or gymnastic studio, whether publicly or privately owned, to which the public has a right of access as an invitee.

SCHOOL: Any public or private educational facility that provides services to children in grades 12 or under.

(3) Term of special permit. Any special permit issued pursuant to this § 174-9K shall be valid for a period of two years from the date of issuance. Any renewal of a special permit shall be governed by the then-existing standards and procedures set forth in this by-law, and any regulations adopted pursuant thereto by the Board of Appeals."

, or do or act anything in relation thereto.

**Proposed by: PLANNING BOARD**

**Board of Selectmen Recommendation:** At Town Meeting

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *This article **amends** Chapter 174-Zoning of The Code of the Town of Southborough, adding language regarding recreational marijuana, to **regulate** the operation of any marijuana establishment involved in the cultivation, testing, manufacture, distribution, or sale of marijuana for recreational purposes in all zoning districts within the Town of Southborough.*

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**MOTION TO INDEFINITELY POSTPONE THIS ARTICLE PASSED.**

**ARTICLE 34:** To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$20,500, for the Southborough Historical Commission to hire a historic preservation planner to write a nomination to the National Register of Historic Places; or do or act anything in relation thereto.

**Proposed by: HISTORICAL COMMISSION**

**Board of Selectmen Recommendation:** At Town Meeting

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *The Southborough Historical Commission has been working on a project to create a National Register Historic District in the Main Street area. The National Register of Historic Places is the list of individual building, sites, structures, objects and districts deemed important in American history, culture, architecture, or archaeology. It's a federal designation administered by the Secretary of the Interior through the Massachusetts Historical Commission as the State Preservation Office. The nomination is required by Massachusetts Historical Commission to complete the process of establishing a national register historic district. Listing in the National Register recognizes the area's importance to the history of the community, state or nation.*

**MOTION MADE:** That the Town vote to raise and appropriate the sum of \$20,500, for the Southborough Historical Commission to hire a historic preservation planner to write a nomination to the National Register of Historic Places.

**MOTION PASSED.**

**ARTICLE 35:** To see if the Town will vote to amend Chapter 41 of the Code of the Town of Southborough, Massachusetts, by adding a new section 41-23 entitled Electioneering prohibited, or to do or act anything in relation thereto.

§ 41-23 Electioneering prohibited.

Except as may be otherwise provided by any other general or special law of the Commonwealth, all candidates or their agents are expressly forbidden to remain within 150 feet of the entrance to a polling place or Town Meeting for the purpose of electioneering or greeting citizens or voters, or for petitioning or soliciting signatures for any purpose.

**Proposed by: TOWN CLERK**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *Current election laws governing activity within 150 feet of a polling place have no effect on Town Meeting or Early Voting since the state election laws only apply to polling places on Election Day. This article provides the same measure of protection and enforcement that applies on Election Day to activities at Town Meeting and Early Voting.*

**MOTION MADE:** That the Town vote to amend Chapter 41 of the Code of the Town of Southborough, Massachusetts, by adding a new section 41-23 entitled Electioneering prohibited, as printed in the warrant.

**MOTION PASSED.**

**Approved by the Attorney General on September 18, 2017.**

Town of Southborough  
ADJOURNED ANNUAL TOWN MEETING  
April 27, 2017

**ARTICLE 36:** To see if the Town will vote to amend Chapter 41 of the Code of the Town of Southborough, Massachusetts, entitled *Town Meetings* by striking in its entirety Section 41-2 *Notice of Meeting* and replacing it with the following language:

**41-2 Notice of Meeting.**

Notice of every Town Meeting shall be given by posting attested copies of the warrant therefor on the Town website, at the Town Hall, the Library, the Senior Center, and in at least 3 other public places in each precinct as the Town Clerk shall determine, seven days at least before the time appointed for such meeting.

,or do or act anything in relation thereto.

**Proposed by: TOWN CLERK**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *This article ensures that the warrant be posted in sufficient places to notify residents, and it deletes the existing requirement that the warrant be posted at specific locations in Town, including Fayville Hall, a Town owned building with minimal visitors.*

**MOTION MADE:** That the Town vote to amend Chapter 41 of the Code of the Town of Southborough, Massachusetts, entitled *Town Meetings* by striking in its entirety Section 41-2 *Notice of Meeting* and replacing it with the following language:

**41-2 Notice of Meeting.**

Notice of every Town Meeting shall be given by posting attested copies of the warrant therefor on the Town website, at the Town House, the Southborough Library, the Senior Center, and the Transfer Station, seven days at least before the time appointed for such meeting.

**AMENDMENT MADE:** That the Town vote to strike the main motion in its entirety and replace it with the following:

**41-2 Notice of Meeting**

Notice of every Town Meeting shall be given by posting attested copies of the warrant on the Town Website, at the Town House, the Southborough Library, the Senior Center and the Transfer Station seven days at least before the time appointed for such meeting.

**MOTION AS AMENDED PASSED.**

**Approved by the Attorney General on August 17, 2017.**

**ARTICLE 37:** To see if the Town will vote to delete in its entirety Chapter 16 Section 4 of the Code of the Town of Southborough, Massachusetts *Annual Debtors List*, or do or act anything in relation thereto.

**Proposed by: TOWN CLERK**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *This article deletes the existing requirement of Chapter 16 Section 4 that "On January 15 of each year, every Town officer or board shall furnish the Board of Selectmen with the names of all persons, firms or corporations indebted to the Town and the amounts owed by them, and said Board of Selectmen shall cause such lists to be published in the Annual Town Report. The Board of Selectmen may institute appropriate proceedings to collect the same." The Town has not followed this practice in recent history, so this article simply deletes a requirement that has not been followed.*

Town of Southborough  
ADJOURNED ANNUAL TOWN MEETING  
April 27, 2017

**MOTION MADE:** That the Town vote to delete in its entirety Chapter 16 Section 4 of the Code of the Town of Southborough, Massachusetts Annual Debtors List.

**MOTION PASSED.**

**Approved by the Attorney General on August 17, 2017.**

**ARTICLE 38:** To see if the Town will vote to accept the provisions of MGL 53, Section 9A, which states:

Section 9A. In any city or town which accepts this section, in a city by vote of the city council subject to the provisions of its charter, and in a town by vote of the town meeting, the following provisions shall apply with respect to nomination papers:

The final date for obtaining blank nomination papers for nomination to city or town office shall be forty-eight week day hours prior to the hour on which nomination papers are required to be submitted to the registrars of voters for certification.

Each candidate shall file with the city or town clerk, prior to obtaining blank nomination papers, a statement containing his name and address, and the city or town office for which he intends to be a candidate.

No candidate for city or town office shall receive more blank nomination papers than will contain the number of signatures required to place his name in nomination, multiplied by five.

, or do or act anything in relation thereto.

**Proposed by: TOWN CLERK**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *This article permits candidates for public office to obtain nomination papers up to 48 hours before the deadline to submit the nomination papers to the registrars of voters for certification. This article simply codifies the practice in Southborough.*

**MOTION MADE:** That the Town vote to accept the provisions of MGL 53, Section 9A, with respect to nomination papers, as printed in the warrant.

**MOTION PASSED.**

**Approved by the Attorney General on August 17, 2017.**

**ARTICLE 39:** To see if the Town will vote to amend Chapter 41, Section 6 of the Code of the Town of Southborough, Massachusetts, by identifying the existing text in its entirety as Chapter 41 Section 6, subsection A, and inserting the following text as subsection B:

- B. On Town Meeting matters requiring a two-thirds vote by statute, the Town Moderator may declare the two-thirds vote without taking a count, and said declaration shall take the place of the statutory counted vote; provided that the vote so declared is not immediately questioned by seven or more voters as provided in Chapter 39, Section 15 of the General Laws. If the vote is questioned, the Moderator shall immediately put the question to another vote and take a count which shall then be recorded by the Town Clerk.

, or do or act anything in relation thereto.

**Proposed by: TOWN CLERK**

**Board of Selectmen Recommendation:** Support

Town of Southborough  
ADJOURNED ANNUAL TOWN MEETING  
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**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *This article will save time at Town Meeting by allowing the Moderator to declare a two-thirds vote in situations where there is clearly a two-thirds majority. Several types of articles voted at Town Meeting require a two-thirds vote for passage. Frequently, it is very clear that the article passed by more than a two-thirds majority but the Attorney General requires that the vote be recorded by a count unless the Town has a bylaw in place that allows the Moderator to declare a two-thirds vote. Any seven voters could still question the Moderator's declaration of a two-thirds vote and a hand count would be taken.*

**MOTION MADE:** That the Town vote to amend Chapter 41, Section 6 of the Code of the Town of Southborough, Massachusetts, by identifying the existing text in its entirety as Chapter 41 Section 6, subsection A, and inserting the following text as subsection B:

B. On Town Meeting matters requiring a two-thirds vote by statute, the Town Moderator may declare the two-thirds vote without taking a count, and said declaration shall take the place of the statutory counted vote; provided that the vote so declared is not immediately questioned by seven or more voters as provided in Chapter 39, Section 15 of the General Laws. If the vote is questioned, the Moderator shall immediately put the question to another vote and take a count which shall then be recorded by the Town Clerk.

**MOTION PASSED.**

**Approved by the Attorney General on August 17, 2017.**

**ARTICLE 40:** To see if the Town of Southborough will vote to require that any warrant article or presentation at town meeting for the acquisition of St. Marks golf course on Rte 85 Southborough, Mass. Has a concurrent presentation of alternative locations and cost comparisons for building any new fire, police stations or other municipal buildings. Alternative locations are to include the current existing location of the fire and police station as well as the properties across the street from the St. Marks golf course starting at Cordaville Hall and all the properties to the North on Route 85 to the intersection of Main Street (route 30) across the Street from the Southborough Library, or do or act anything in relation thereto.

**Sponsored by: JACK BARRON**

**Board of Selectmen Recommendation:** Not Support

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *This article was submitted by citizen petition.*

**MOTION MADE:** That the Town of Southborough vote to require that any warrant article or presentation at town meeting for the acquisition of St. Mark's golf course on Route 85 Southborough, MA has a concurrent presentation of alternative locations and cost comparisons for building any new fire, police stations or other municipal buildings. Alternative locations are to include the current existing location of the fire and police station as well as the properties across the street from the St. Mark's golf course starting at Cordaville Hall and all the properties to the North on Route 85 to the intersection of Main Street (route 30) across the Street from the Southborough Library.

**AMENDMENT MADE:** That the Town vote strike the main motion in its entirety and replace it with the following:

That the Town vote to require that any warrant article or presentation at any town meeting (related to) St. Mark's Golf Course on Route 85 Southborough, Mass has a concurrent presentation of alternative locations and cost comparisons for building any new fire, police station or other municipal buildings. Alternative locations are to include the current existing location of the fire and police station as well as the properties across the street from the St. Mark's golf course starting at Cordaville Hall and all properties to the North of Route 85 to the intersection of Main Street (route 30) across the street from the Southborough Library. (The Town may also want to look at a proposal to build a new senior center/municipal offices on the land currently referred to as "Park Central". This would allow the current senior center property to be used for a new police station).

**MOTION TO INDEFINITELY POSTPONE THIS ARTICLE PASSED.**

Town of Southborough  
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**ARTICLE 41:** To see if the Town of Southborough will vote to change Chapter 174-9 H (1)(g) of the Town Code to read, “the total cumulative number of units approved under this section by the Zoning Board of Appeals since January 1998 shall at no time exceed 10% of the total of one-family houses in Southborough at the beginning of the year in which the application is filed, based on the Assessor’s records. Residences containing apartments shall be counted as one-family houses for the purposes of this subsection”, or do or act anything in relation thereto.

**Sponsored by: WILLIAM POUTRE**

**Board of Selectmen Recommendation:** At Town Meeting

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *This article was submitted by citizen petition. The Sponsor has indicated that he intends to indefinitely postpone this article.*

<b>MOTION TO INDEFINITELY POSTPONE THIS ARTICLE PASSED.</b>
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**ARTICLE 42:** To see if the Town of Southborough will vote to amend Town Bylaw Article III § 27-4 by adding the following language:

§ 27-4. Appointment; compensation; additional counsel.

Furthermore, the Board of Selectmen shall, on a semiannual basis, advertise the position of Town Counsel and interview attorneys and law firms to fill the position. Prior to appointment, Town Counsel candidates shall be interviewed in a public meeting that shall be posted two (2) weeks prior to the interviews. A public announcement, with resumes and all supporting documents, shall be available to the public on the website at the time of posting the meeting. Questions and comments from the public shall be allowed at that interview meeting. If applying for the position, the current Town Counsel shall, additionally, be subject to a public performance review at the time of the interview. Selectmen shall solicit written comments from the public for one month prior to the performance review. Comments for the entire tenure of the current Town Counsel shall be allowed and public comments shall also be allowed by all citizens regardless if the citizen has submitted written comments in advance thereof.

**Sponsored by: KRISTINE DAMERI**

**Board of Selectmen Recommendation:** At Town Meeting

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *This article was submitted by citizen petition. The sponsor intends to indefinitely postpone this article.*

<b>MOTION TO INDEFINITELY POSTPONE THIS ARTICLE PASSED.</b>
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**ARTICLE 43:** To see if the Town of Southborough will vote to amend Town Code Article III §27-4 by adding the following language at the end of §27-4. Appointment; compensation; additional counsel:

“Furthermore, as part of any such Town Counsel appointment process, the Board of Selectmen shall advertise the position of Town Counsel and interview attorneys and/or law firms to fill the position. Prior to any such appointment of Town Counsel. Town Counsel candidates shall be interviewed in a public meeting that shall be posted at least two (2) weeks prior to such interview(s). A public announcement, with relevant resumes and all supporting documents, shall be available to the public on the Town website no later than the time of posting of the interview meeting(s). Questions and comments from the public shall be allowed at such interview meeting(s). If the serving Town Counsel is applying for reappointment to the position, the Selectmen shall conduct a public performance review of the serving

Town Counsel at the time of his or her interview for reappointment. The Selectmen shall advertise for and solicit written comments from the public for at least one month prior to such performance review. Comments related to the entire tenure of the serving Town Counsel (or related to previous terms of service as Town Counsel for attorneys who have previously served as Town Counsel) shall be allowed. For both the interview public meeting(s) and the performance review public meeting(s), public comments and/or questions shall be allowed from any citizen regardless of whether such citizen has submitted written comments or questions in advance of such meeting.



Town of Southborough  
ADJOURNED ANNUAL TOWN MEETING  
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Town Counsel's failure to act at any time consistent with Massachusetts General Law, or with local bylaws and code, or with rules of professional legal conduct will be grounds for immediate termination and/or sanctions to the fullest extent of applicable law."

, or do or act anything in relation thereto."

**Sponsored by: KRISTINE DAMERI**

**Board of Selectmen Recommendation:** Not Support

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *This article seeks to add language in to the town code which specifies that public notice(s) will be incorporated when appointing town counsel.*

**MOTION MADE:** That the Town vote to amend Town Code Article III §27-4 by adding new language at the end of §27-4. Appointment; compensation; additional counsel, as printed in the warrant.

I move that the Town of Southborough vote to amend Article III "§ 27-4 of the Code of the Town of Southborough, Massachusetts, by adding the following language at the end of "§ 27-4. Appointment; compensation; additional counsel":

Furthermore, as part of the first such annual Town Counsel appointment process after this bylaw update is approved by the Attorney General's office, and thereafter no less frequently than every third year, the Board of Selectmen shall advertise the position of Town Counsel and shall interview attorneys and/or law firms responding to such advertisement to fill the position. Prior to any such appointment of Town Counsel pursuant to such interview process, Town Counsel candidates shall be interviewed in a public meeting that shall be posted at least two (2) weeks prior to such interview(s). A public announcement, with relevant resumes and all supporting documents, shall be available to the public on the Town website no later than the time of posting of the interview meeting(s). Written questions and comments from the public shall be solicited and accepted for at least two (2) weeks immediately preceding such interview meeting(s). If the serving Town Counsel is applying for reappointment to the position, the Selectmen shall conduct a public performance review of the serving Town Counsel at the time of his or her interview for reappointment.

The Selectmen shall advertise for solicit and accept written comments from the public for at least two (2) weeks prior to such performance review meeting. Such written comments related to the entire tenure of the serving Town Counsel (or related to previous terms of service as Town Counsel for attorneys who have previously served as Town Counsel) shall be accepted by the Selectmen as part of this performance review process. For both the interview public meeting(s) and the performance review public meeting(s), written comments and/or questions submitted by the public shall be considered by the Selectmen, but public comments and/or questions shall not be allowed during such meeting. All written comments submitted by the public for any of the above meetings or interviews shall be public record.

Town Counsel's failure to act at any time consistent with Massachusetts General Law, or with local bylaws and code, or with rules of professional legal conduct will be grounds for immediate termination and/or sanctions to the fullest extent of applicable law."

**MOTION FAILED.**

**MOTION TO DISSOLVE THE ANNUAL TOWN MEETING PASSED.**

True Copy  
Attest:

\_\_\_\_\_  
James F. Hegarty, Town Clerk



**TOWN WARRANT  
COMMONWEALTH OF MASSACHUSETTS**

**Special Town Meeting  
March 8, 2017**

At the Special Town Meeting, duly called and held in the P. Brent Trottier Middle School, Southborough, on Wednesday March 8, 2017 at 7:00 PM, the following ARTICLES were voted on in a legal manner. There was a quorum present (100 voters = quorum); 722 voters were present.

**MOTION MADE:** To waive the reading of the Warrant.

**MOTION PASSED.**

**ARTICLE 1:** To see if the Town will vote to authorize the Board of Selectmen to acquire and obtain by purchase a certain parcel of land with structures thereon from St. Mark's School of Southborough, Inc. located at 36 Cordaville Road, Southborough, Massachusetts, Assessor's Map 45, Parcel 2 consisting of 60 acres more or less and being the same parcel conveyed to St. Mark's School by Deed dated November 12, 1923 and recorded in the Worcester Registry of Deeds at Book 2318, Page 258 said parcel to be acquired for a public safety complex, reserved undeveloped land and other municipal purposes and further to authorize the Board of Selectmen to convey, transfer and sell the Town's real properties located at 0 School Street consisting of 1.63 acres more or less and the parcel located at 19 Main Street consisting of 2.34 acres of land more or less to St. Mark's School of Southborough, Inc. and to authorize the Board of Selectmen to execute a land exchange agreement to effect these transactions and further to vote to raise by borrowing, transfer from available funds, or otherwise a sum of money to pay for the acquisition and construction costs incidental or related thereto for the public safety complex.

The Town Clerk shall cause the following question to be placed on the ballot at the next annual election following the adoption of this article by the Town Meeting:

*Shall the Town of Southborough be allowed to exempt from the provisions of proposition two and one half, so called, the amounts required to pay for the bonds to be issued in order to acquire land and construct a new public safety complex, and for the payment of costs incidental or related thereto?*

; or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *This article will authorize the Board of Selectmen to execute the Purchase and Sale agreement that they have negotiated with St. Mark's School on behalf of the Town. The agreement will transfer two Town parcels to St. Mark's, along with \$4.5M in cash, in exchange for the entirety of the St. Mark's Golf Course. Per the agreement, at least 50% of the property must remain undeveloped. This agreement is the result of more than 15 months of negotiations between members of the Board of Selectmen, and senior staff and members of the Board of Trustees at St. Mark's School. In addition, this article will also authorize the borrowing of funds sufficient to pay for the engineering, design, construction, and other costs related to a new Public Safety Facility on a portion of the St. Mark's Golf Course property. The Selectmen-appointed Public Safety Study Committee has worked tirelessly for the better part of two years with consultants, town officials, and concerned citizens to craft a recommended proposal that meets the Town's present and future public safety needs, and is also sensitive to the needs of the various groups. The land deal with St. Mark's has also generated discussion as to additional uses for the remainder of the golf course property not considered for public safety purposes, including maintaining a golf course and/or placing a conservation*

*restriction over the remainder of the parcel. The Selectmen have appointed a Golf Course Master Plan Committee to provide recommendations in that regard.*

**MOTION MADE:** To approve the Article as printed in the warrant.

**FIRST AMENDMENT MADE:** That the Town vote to amend the first amendment by striking all the words in the original article and replace them with the following words: That the Town authorize the Board of Selectmen to acquire and obtain by purchase a certain parcel of land with structures thereon from St. Mark's School of Southborough Inc. located at 36 Cordaville Road Southborough, Massachusetts, Assessor's Map 45, Parcel 2, consisting of 60 acres more or less and being the same parcel conveyed to the Trustees of St. Mark's School by Deed dated November 12, 1923 and recorded in the Worcester Registry of Deeds at Book 2318 Page 258(i) a portion of said parcel, consisting of not more than 6 acres, more or less, shall be acquired for a public safety complex, which complex shall be substantially the same as the complex shown on the unrecorded concept plan entitled "St. Mark's Golf Course Master Plan Committee Southborough, MA" dated February 8, 2017 and prepared by Bohler Engineering; (ii) all of the remaining land shall be preserved in its natural, scenic and open condition and to permit passive public recreational use, golf course use and for general conservation purposes, subject to a perpetual conservation restriction approved by the Commonwealth's Executive Office of Energy and Environmental Affairs, upon said remaining portion of above referenced parcel of land pursuant to the provisions of M.G.L. c.184, Sections 31 through 33, as amended, with respect to which the Board of Selectmen shall engage the services of an attorney specializing in conservation restrictions who shall work in conjunction with Town Counsel and the Open Space Preservation Commission as advisors to draft a conservation restriction which restriction shall be negotiated by the Board of Selectmen, (iii) said conservation restriction shall be recorded with said Registry of Deeds prior to July 1, 2018 (iv) any wastewater system located on any portion of said parcel of land may serve a Town-owned public safety complex, Woodward School, Golf Course Club House and Golf Course Maintenance Building and no other buildings or facilities; and further to authorize the Board of Selectmen to convey, transfer and sell the Town's real properties located at 0 School Street consisting of 1.63 acres more or less and the parcel located at 19 Main Street consisting of 2.34 acres of land more or less to St. Mark's School of Southborough, Inc. and to authorize the Board of Selectmen to execute a land exchange agreement to effect these transactions and further to vote to raise by borrowing, transfer from available funds, or otherwise the sum of \$27,129,500 to pay for the acquisition and construction costs incidental or related thereto for the public safety complex.

The Town Clerk shall cause the following question to be placed on the ballot at the next annual election following the adoption of this article by the Town Meeting:

*Shall the Town of Southborough be allowed to exempt from the provisions of proposition two and one half, so called, the amounts required to pay for the bonds to be issued in order to acquire land and construct a new public safety complex, and for the payment of costs incidental or related thereto?*

**FIRST AMENDMENT PASSED.**

**SECOND AMENDMENT MADE:** That the Town vote to amend the first amendment by striking the words "perpetual conservation restriction" and substituting the words "subject to a twenty-five conservation restriction."

**SECOND AMENDMENT FAILED.**

**REQUIRES A 2/3 VOTE.**

**MAIN MOTION WITH AMMENDMENT PASSED.**

**ARTICLE 2:** To see if the Town will vote to accept and approve the following text of a Special Act and further to see if the Town will vote to authorize the Board of Selectmen to petition the General Court of Commonwealth of Massachusetts for passage and enactment of the Special Act as accepted and approved as follows:

AN ACT AUTHORIZING THE SOUTHBOROUGH BOARD OF SELECTMEN TO ENTER INTO A LAND EXCHANGE AGREEMENT WITH ST. MARK'S SCHOOL, INC.

Section 1. Notwithstanding the provisions of the Massachusetts General Laws c.40 and c.45 as to the sale and purchase of land and every other general and special act to the contrary, the Town of Southborough Board of Selectmen are authorized to enter into a Land Exchange Agreement for the purchase of land from St. Mark's School located at 36 Cordaville Road, Southborough and for the sale of two parcels of land to St. Mark's School, Inc. located at 19 Main Street and 0 School Street.

Section 2. Further, notwithstanding the provisions of M.G.L. c.61A that the Board of Assessors in conjunction with the Board of Selectmen be authorized to negotiate and abate the amount of rollback taxes with the St. Mark's School, Inc. which may be due as to the parcel of land located at 36 Cordaville Road in conjunction with the Land Exchange Purchase and Sales Agreement.

The Board of Selectmen are hereby authorized to approve amendments which shall be within the scope of the general public objectives of this Petition, or do or act anything in relation thereto.

; or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *This article will authorize the Board of Selectmen to petition the State Legislature for a Special Act that authorizes several points of the Purchase and Sale agreement with St. Mark's School, whose authority and ability are not clearly defined in Massachusetts General Law. The execution of the Purchase and Sale agreement in Article 1, and therefore the entirety of the public safety facility as proposed, is dependent on the passage of this Article by Town Meeting, and subsequent approval by the State Legislature.*

**MOTION MADE:** To approve the Article as printed in the warrant.

**AMENDMENT MADE:** That the Town vote to amend the main motion by striking all the words and substituting the following words: That the Town vote to accept and approve the following text of a Special Act and further to see if the Town will vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts for passage and enactment of the Special Act as accepted and approved as follows:

AN ACT relative to certain parcels of land in the Town of Southborough

Section 1. Notwithstanding Chapter 30B, Chapter 40 and Chapter 45 of the General Laws or any other general or special law to the contrary, the town of Southborough board of selectmen may enter into a land exchange agreement for the purchase of land from St. Mark's School located at 36 Cordaville road, Southborough and for the sale of 2 parcels of land to St. Mark's School, Inc. located at 19 Main Street and 0 School Street in the town of Southborough consisting of 1.63 acres more or less and the parcel located at 19 Main Street in the town of Southborough consisting of 2.34 acres of land more or less. Such parcels being originally acquired for general municipal purposes.

Section 2. Notwithstanding Chapter 61A of the General Laws, the Town of Southborough board of assessors in conjunction with the board of selectmen may negotiate and abate the amount of rollback taxes with the St. Mark's School, Inc. which may be due as to the parcel of land located at 36 Cordaville road in conjunction with the Land Exchange Purchase and Sales Agreement.

The board of selectmen are hereby authorized to approve amendments which shall be within the scope of the general public objectives of this Petition, or do or act anything in relation thereto.

**AMENDMENT PASSED.**

**MAIN MOTION WITH AMENDMENT PASSED.**

**ARTICLE 3:** To see if the Town will vote to place a CONSERVATION RESTRICTION (CR) on a portion of St. Mark's Golf Course, at 36 Cordaville Rd, provided Town Meeting has first voted on a prior Article to approve purchase of the Golf Course, and also provided the portion of the Golf Course to which the CR applies shall exclude the land proposed for a Public Safety Facility to be located on a small part of the Golf Course.

The intent of the CR is to preserve the open space for the benefit of the town, to protect historic scenic views and wildlife habitat, while allowing continued use as a Golf Course. The CR shall allow alterations of the Golf Course to

accommodate the Public Safety Facility, and shall also allow construction of facilities needed to operate the Golf Course, such as a golf club, driveways, parking and maintenance facilities.

The wording of the CR shall be prepared following Town Meeting, by the Board of Selectmen with participation by the Open Space Preservation Commission, Conservation Commission, Historical Commission, Planning Board, five members of the Golf Club, and two abutters. The CR shall be legally in force prior to any future construction on the Golf Course following town purchase.

Funding for the redesign and reconstruction of part of the Golf Course, required to accommodate the Public Safety Facility, may be submitted at a future Town Meeting, so that the redesign may be done concurrently with the design of the Public Safety Facility, and so that the impact of the Public Safety Facility can be minimized; or do or act anything in relation thereto.

**Proposed by: DAVID PARRY and CHRISTOPHER CROWLEY**

**Board of Selectmen Recommendation:** At Town Meeting

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *This Article supports the Board of Selectmen's purchase of the property from St Mark's, and also supports the Board of Selectmen's recommendation to build a Public Safety Facility on that property ..... St Mark's Golf Course is approximately 63 acres. This Article will place a Conservation Restriction (CR) on a "portion", approximately 59 acres, which is over 90 % of the total acreage. The only land not included in the CR will be approximately 4 acres proposed for the Public Safety Facility..... The CR will preserve all of the remaining land as open space, for the benefit of the Town and its residents. It will preserve historic scenic views, and allow the golf course to continue in operation for as long as the Town (through Town Meeting) desires, as well as other types of outdoor recreation ..... The improvements permitted by the CR include modifications to the golf course (such as a club house and watering pipes), and open space improvements needed for the Public Safety Facility (such as an underground septic field)..... The CR will be prepared by the Board of Selectmen and will be recorded after the land is purchased, but before construction of the Public Safety Facility.*

**MOTION MADE TO INDEFINELY POSTPONE ARTICLE 3.**

**MOTION PASSED.**

**ARTICLE 4:** To see if the Town of Southborough will vote to support purchasing approximately 61-acres St Marks' Golf Course located at 36 Cordaville Road for perpetual preservation of the entire property with no future development allowed and a conservation restriction required on the entire property at time of purchase. To achieve this, the Selectmen shall renegotiate the purchase agreement for the property with no land swap involved, and bring to voters at the 2017 Annual Town Meeting. The Conservation Restriction (CR) purpose shall be to preserve high-quality open space for the benefit of the town, protect historical scenic views and wildlife habitat, while preserving a golf course and passive recreation. Said CR to be developed immediately following Special Town meeting with Selectmen to appoint a Conservation Restriction Development Committee made up of 7 members only, with 1 member representing each of the following constituencies: the Open Space Preservation Commission, Historical Commission, Conservation Commission, Recreation Commission, Planning Board, a Direct Abutter, and a member of the Golf Community. The Selectmen also to work with the Open Space Preservation Commission, Planning Board, and Community Preservation Committee to develop a finance package that includes applying for CPA funding, using Golf Course revenues to offset purchase price, and applying for State grants; or do or act anything in relation thereto.

**Proposed by: FREDERICA GILLESPIE, SALLY B. WATERS, THOMAS J. MCCARTHY, LOUISE BARRON, MARY C. BURKE**

**Board of Selectmen Recommendation:** Not Support

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *This citizen petition warrant article is tied to Town Meeting's rejection of Article #1 to purchase the Golf Course for construction of a new public safety complex. Passage of this article indicates to the Selectmen that the Townspeople want them to renegotiate the purchase of the Golf Course in order to preserve the entire property. It requires a Conservation Restriction that allows the golf course operation to continue, helping to make the purchase of the land financially feasible while providing needed recreational opportunities. It establishes a committee*

*representing all key constituencies to design the Conservation Restriction and requires development of a financial package that includes CPA funds, state grants, and golf course revenues.*

**MOTION MADE TO INDEFINELY POSTPONE ARTICLE 4.**

**MOTION PASSED.**

**ARTICLE 5:** To see if the town of Southborough will adopt the attached document titled "Establishment of the Municipal Technology Committee", which comprises 5 pages and is dated 9-Dec-2016, as Chapter 9, Article VII sections 9-25 through 9-29 of the Town bylaws:

***Article VII Municipal Technology Committee***

**§9-25 Establishment; Membership; Qualifications**

There shall be a Municipal Technology Committee (MTC), which shall consist of five voting members and the non-voting ex-officio members identified below.

Each voting member shall be a resident of the Town and shall not be a Town officer or employee. Each voting member shall have significant relevant professional experience and knowledge of one or more of the Technologies used, or proposed to be used, by the Town.

The voting members shall be appointed as follows: two by the Board of Selectmen, two by the School Committee, and one by the Library Board of Trustees.

**§9-25-A Appointments; Terms; Vacancies; Removal**

Voting members shall be appointed for three-year terms. The initial appointments shall be two members for three years, two members for two years, and one member for one year, so as to establish overlapping terms.

Any voting member who shall remove from the Town, resign, die, fail to faithfully discharge his duties, or otherwise fail without good cause to attend at least three quarters of the full MTC meetings held in any six month interval shall cease to be a member. In such case, the respective appointing authority shall, within thirty days, appoint a replacement for the balance of the unexpired term.

Regular ex-officio (non-voting) members may be appointed as follows: one each by The Board of Selectmen, the School Committee, the Library Board of Trustees and the Board of Health. ("Boards") Regular ex-officio members serve at the pleasure of their appointing authorities, and may be non-resident Town officers or employees. They shall be the persons most responsible for Technology used by their respective Board.

Additional ad-hoc ex-officio (non-voting) members may be added by the Boards, but only with the consent or by the request of a majority vote of the MTC. Such ad-hoc members serve at the pleasure of the appointing authority and of the MTC on a temporary basis for so long as needed by the business of the MTC. They may be non-resident Town officers or employees.

**§9-25-B Organization; Meetings**

The members shall select, from among themselves, a Chairman and a Secretary. The MTC shall create or adopt such rules of procedure as may be reasonable and useful for its efficient operation, and may from time to time amend these rules by a majority vote of the members.

The MTC shall ordinarily and preferentially meet in the Town, but may conduct meetings, investigations or inspections within the scope of its duties and authority anywhere, subject to standard Town travel budgets and policies

The MTC may appoint from its own membership subcommittees and delegate to them such of its powers as it deems expedient.

All reports and recommendations of the MTC made to the Town shall be voted by a majority of the voting members of the MTC, but this shall not be construed to prevent recommendations by a minority nor to discourage full participation by the non-voting members.

#### **§9-25-C Staffing**

Subject to available funding, the MTC shall have the authority to engage consultants (paid or volunteer) ("Consultants") when its membership does not include the expertise necessary to evaluate specific projects. The MTC may direct Consultants to act to investigate and/or to report to the MTC on Technology and/or its use, proposed use, or discontinuance in the Town. The Technology Managers shall, when requested by the MTC, reasonably assist Consultants to complete any task assigned to Consultants by the MTC. The MTC may not delegate its powers to Consultants.

The MTC shall have no permanent staff, but the Town Administrator and ex-officio members shall provide reasonable administrative support and reasonable access to other employees as may be requested by the MTC.

#### **§9-25-D Funding**

The MTC shall have a budget for Consultants and other expenses. It shall submit its projected expenses to the Town's regular budget and exception processes. Any expenditures shall require a majority vote of the MTC, and be subject to the Town's policies for such expenditures. Unless otherwise agreed or budgeted, expenses attributable to members shall be paid by their respective appointing authorities.

#### **§9-26 Functions and Definitions**

The duty of the MTC shall be to recommend and document an overall technology strategy for the Town and to proactively lead the Town's development and implementation of this strategy.

Further, the MTC shall proactively advise the Boards, other Town Entities, the Town Administrator, and their designated employees ("Technology Managers") responsible for purchasing and utilizing technologies used to provide Town services.

In this Article VII, "Technologies" include, but are not limited to: Information Technology/Data Processing equipment and Software, Computer Networks, Voice/FAX systems, Intelligent building control systems, SCADA, Mobile computing technologies (e.g. cellular telephones, tablets and laptops), Radio communications, Audio-Visual technologies, Emergency communications and future technologies as they arise.

In this Article VII, the phrase "Town Entities" includes any Town board, committee, or agency of Town government, or subsidiary organization of any of these, whether statutory, elected or appointed, that uses or proposes to use Technologies; and/or which expends or proposes to expend funds for Technologies and/or related services.

#### **§9-27 Mission and Authority**

The MTC shall, as more fully described in the entirety of this Article VII, address matters of Technology in the Town, including but not limited to: information delivery; ensuring access to communications technology; increasing the efficiency of transactions involving the Town; and ensuring the effective deployment of infrastructure for the Town's operations and the Town's citizens.

The MTC shall work to ensure that all Town Entities utilize technology in a common, effective and cost effective manner for the benefit of the Town, its operations and its residents.

#### **§9-27-A Plans and Reviews**

Technology Managers shall notify the MTC when any plan for adopting, discontinuing, expanding or reducing Technologies is being formulated and shall provide the MTC with the opportunity to participate in the development of such plans and to obtain and budget for any necessary Consultants. All such plans shall be timely submitted to the MTC for final review and comment prior to committing to their implementation. These reviews shall consider and identify: consistency with the Strategic Plan, opportunities for efficiencies and improved service, and impact on other Town Entities and the Town's citizens. The MTC may consider and identify other relevant issues and related matters during these reviews. These reviews shall be documented and considered by the Technology Managers and their respective Boards or Town Entities, which shall provide the MTC with their final plans and any subsequent changes thereto.



The MTC shall have the authority to inspect and review, in conjunction with the Technology Managers, any of the Town's Technology-based processes, systems and operations to identify progress and issues with implementing the Strategic Plan.

The goal of all MTC inspections and reviews shall be to provide significant insight and advice that will improve consistency with and implementation of the Strategic Plan and which may provide for the successful implementation of projects. The goal shall not be merely to find fault or to subsume the authority of the Technology Managers.

#### **§9-27-B Strategic Plan**

The MTC shall provide strategic planning and advice to the Technology Managers, the Boards, other Town Entities and the Town Administrator. In conjunction with the Technology Managers, the MTC shall maintain a rolling five-year strategic plan ("Strategic Plan") for the Town's technologies, which shall be accessible to the public. The MTC may report on the Strategic Plan to Town Meeting.

The Strategic Plan shall consider, but is not limited to:

- a. capital requests for technologies, taking into consideration the goals of maximizing efficiency and cost effectiveness, removing unnecessary redundancy, and ensuring, to the extent reasonably possible, the compatibility of each request with other existing or proposed systems;
- b. the specifications to be considered for informational and communications systems and other Technologies when constructing or renovating Town facilities;
- c. matters relating to information technology policy, specifically with reference to issues of security, privacy, risk, future technology, legal or regulatory requirements and the provision of government services to the public through information technology; and
- d. how to stimulate and support the development of appropriate technology initiatives and activities that may increase communication and information exchange within Town Entities, between Town Entities and its residents, and among Town residents.

#### **§9-27-C Limitations; Other Agencies**

The MTC does not have the authority to direct or require that a Technology Manager, Board or other Town Entity make (or not make) a specific Technology-related decision.

The MTC shall not interfere with the School Committee's development or choice of instructional methods and curriculum, but the MTC shall have the same duties with respect to infrastructure planning and non-instructional systems as it does for the other Boards and Town Entities. The MTC may report to the School Committee on Technology issues and trends that may affect education, but such reports shall be informative, and shall not be binding on the School Committee.

The MTC may meet with other governmental agencies to discuss opportunities for interoperation, efficiencies or other synergies. However, the MTC does not have the authority to commit the Town to pursue such opportunities, which authority rests with the Boards, other Town Entities, and/or their designees.

#### **§9-28 Reporting**

From time to time, as may be necessary, the MTC shall report to the Boards on major technology issues affecting the Town and its citizens, including its progress toward completing the Strategic Plan.

From time to time, as may be necessary, the MTC shall report to the Town Meeting on its activities, the Town's Technology needs, and progress toward completing the Strategic Plan.

The MTC shall review and consider all matters included within the articles of any warrant for a Town Meeting hereafter issued that involve a material expenditure of funds for technology and/or involve significant changes in technology that affect Town services. The MTC shall, after due consideration of the subject matter in said articles, report thereon, in print or otherwise, such information and recommendations as it shall deem best regarding such matters. The Moderator shall solicit the recommendation of the MTC for each such article prior to general discussion of and vote on the article at Town Meeting. The MTC shall use reasonable judgment in establishing the threshold for issuing these recommendations.

### **§9-29 Conflict of Law; Interpretation**

In the event that a court of competent jurisdiction determines that any clause or provision of this Article VII is unenforceable, this Article VII shall be deemed modified to the minimum extent necessary to correct such defect, while maximally maintaining the intent of this Article VII.

The section headings and numbering of this Article VII are for convenience and shall not be construed to modify the interpretation of the article.

In this Article VII, terms are defined in quotation marks within parenthesis, and their uses are indicated by capitalization. The definition of each such term applies to its use in the entirety of this Article VII, whether or not the definition appears before such use.

In this Article VII: the word "shall" is to be interpreted in the imperative sense of "must" or "is required to", while the word "may" is to be interpreted in the permissive sense of "optionally", or "has discretion whether or not to".

;or act or do anything in relation thereto.

**Proposed by: ROGER W. CHALLEN**

**Board of Selectmen Recommendation:** At Town Meeting

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *This article would establish a standing town committee responsible for generating and maintaining a rolling five-year strategic plan for all technologies used by the town (not just computers) and would oversee its implementation. The committee would encourage the adoption of technologies to improve citizen services and operational efficiency. It would report to the Town Meeting on the plan, and on any warrant articles that propose spending on technology. The committee would be comprised of 5 resident voting members appointed by the Selectmen, School Committee and Library Trustees; 4 permanent ex-officio members appointed by the Selectmen, School Committee, Library, and Board of Health; and additional ex-officio members as required by the active projects. The committee would work in collaboration with all of the government entities that use and propose technologies. In addition, it would tap into the vast number of technology experts resident in the town (estimated at ~600) as consultants for additional expertise.*

**MOTION MADE TO INDEFINTELY POSTPONE ARTICLE 5.**

**MOTION PASSED.**

At 11:24 pm, a motion was made to adjourn the Special Town Meeting until Tuesday April 25, 2017 at 7:30 pm.

**MOTION PASSED UNANIMOUSLY.**

***Special Town Meeting  
Adjourned Session  
April 25, 2017***

At the Adjourned Special Town Meeting, duly called and held in the P. Brent Trottier Middle School, Southborough, on Tuesday April 25, 2017 at 10:30pm, the following ARTICLES were voted on in a legal manner. There was a quorum present (100 voters = quorum); 257 voters were present.

**ARTICLE 6:** To determine if the Town will vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts to adopt a special act which is substantially the same as the act in the attached document dated 12/31/16 and titled, "AN ACT ESTABLISHING A PROCEDURE FOR THE RECALL OF ELECTED OFFICIALS IN THE TOWN OF SOUTHBOROUGH" or to act or do anything in relation thereto.

**Recall of Elected Officials**

**§1 Holders of an Elected Office May Be Recalled**

Any holder of an elected office may be recalled and removed by the registered voters of the Town as set forth in this act; provided that the maximum number of members of a multiple-member body that may be recalled at one time is a majority. Recall is intended to be utilized when, in the opinion of the number of voters specified below, an elected official, acting as such, has lost the confidence of the voters in his/her judgment or the ability to reasonably perform the duties and responsibilities of the office.

**§2 Recall Affidavit and Petition.**

- A. A recall petition may be initiated by filing with the Town Clerk an affidavit containing at least one hundred (100) signatures of persons representing to be registered voters of the Town (including for each signature the street and number, if any, of the signer's residence), the name of the officer sought to be recalled and a statement of the grounds for recall (together, the "Initial Petition"). The Town Clerk shall, within five (5) business days of receipt of such affidavit, submit the affidavit to the Registrars of Voters of the Town and the Registrars shall, within five (5) business days of receipt of such Initial Petition, certify thereon the number of signatures which are names of registered voters of the Town. If the Registrars certify that the Initial Petition contains the signatures of at least one hundred (100) registered voters, the Town Clerk shall, within five (5) business days, make available to any one or more of the, registered voters making the Initial Petition copies of petition blanks demanding such recall (the "Recall Petition"). Said blanks shall be issued by the Town Clerk, with the Town Clerk's signature and the official Town seal affixed thereto. The blanks shall be consecutively numbered, dated, addressed to the Board of Selectmen, shall specify the name of the person whose recall is sought, shall specify the office from which removal is sought, shall specify the grounds of recall as stated in the Initial Petition, shall include a demand for a recall election, and shall include a demand for the election of a successor in said office.
- B. A copy of the Recall Petition shall be entered in a record book to be kept in the office of the Town Clerk. Said Recall Petition shall be returned and filed with the Town Clerk during regular business hours no later than the close of thirty (30) business days after the certification of the Initial Petition by the Registrars. Before being returned and filed with the Town Clerk, said Recall Petition shall have been signed by no fewer than ten per cent (10%) of the registered voters of the Town as of the date the Initial Petition was filed with the Town Clerk (including for each signature the street and number, if any, of the signer's residence).
- C. The Town Clerk shall, within three (3) business days of receipt of the signed Recall Petition, submit the Recall Petition to the Registrars of Voters of the Town and the Registrars shall, within fifteen (15) business days, certify thereon the number of signatures which are names of registered voters of the Town.

**§3 Recall Election and Removal**

- A. If the Recall Petition has a sufficient number of valid signatures and is certified by the Town Clerk and the Registrars of Voters, the Town Clerk shall allow five (5) business days for the filing of legal challenges to the signatures on the Recall Petition. If no such legal challenges are filed within these five (5) business days, or in the event that such legal challenges are filed, after such legal challenges have been resolved with the result that the Recall Petition is certified by the Town Clerk to be sufficient and valid, the Town Clerk shall submit the Recall Petition with the certification to the Selectmen forthwith. The Selectmen shall, within two (2) business days, give written notice of the receipt of the certification of the Recall Petition to the officer sought to be recalled, and shall, if the officer does not resign within five (5) business days thereafter, thereupon issue a warrant for a special election to be held on a Tuesday fixed by them not less than twenty-five (25) nor more than forty-five (45) calendar days after the date that the Town Clerk submits his certification to the Selectmen that the Recall Petition is sufficient; provided, however, that if any other Town election is to occur within ninety (90) calendar days after the date of the certification, the Selectmen shall issue a warrant for the recall election to be held on the date of such other election. If a vacancy occurs in said office after a recall election has been so ordered, the election shall nevertheless proceed as provided for in this section. If the officer sought to be recalled requests a public hearing in writing, the Selectmen shall hold a public hearing on the matter. This hearing shall take place not less than seven (7) days prior to the recall election.
- B. Any officer sought to be removed may be a candidate in the election to fill that office. The Town Clerk shall place the name of said officer on the official ballot without nomination or qualification, unless that officer requests otherwise in writing.
- C. The qualification of candidates other than the officer sought to be removed, the publication of the warrant for the recall election, and the conduct of the same shall be in accordance with the provisions of the law relating to the elections originally held for said office, unless otherwise specified by this Section 3.
- D. The question of recalling any number of officers may be submitted at the same election, but as to each officer whose recall is sought there shall be a separate ballot.
- E. Ballots used in a recall election shall submit the following propositions in the order indicated:  
  - Against the recall of (name of officer).
  - For the recall of (name of officer).

Immediately at the right of each proposition there shall be a shape in which the voter, by making a cross mark (X) or by filling in the shape, may vote for either of the said propositions. Under the proposition shall appear the word "Candidates", the direction "Vote for One", and other directions to voters as required by section four of chapter fifty-four A of the General Laws, and beneath this the names of candidates nominated as hereinbefore provided.
- F. If a majority of the votes cast on the recall question is in the affirmative, the officer sought to be recalled shall be deemed removed, as specified in Section 4 (unless such officer is re-elected pursuant to section 3.G); then the candidate who received the highest number of votes in the special election to fill the vacancy shall be elected. If a majority of the votes cast on the recall question is in the negative, the ballots for candidates to fill the potential vacancy need not be counted.
- G. If a plurality of votes cast in the candidate section of the ballot is for the officer whose recall is being sought, that officer shall remain in office regardless of the vote cast on the recall question.

#### **§4 Officer Being Recalled and Successor**

The incumbent shall continue to perform the duties of office until the recall election unless the incumbent sooner resigns from the office. If then re-elected, the incumbent shall continue in office for the remainder of the unexpired term, subject to recall as before, except as provided in Section 5. If not re-elected in the recall election, the incumbent shall be deemed removed upon the certification of the election results. If the successor fails to qualify or is unable to begin, serving in the office for any reason within five (5) business days after receiving notification of the certification of the election results, the incumbent shall be deemed removed and the office shall be vacant until the next Town election for such office.

#### **§5 Recall Timing Limitations**

- A. No Recall Petition shall be filed against an officer within three (3) months after such officer takes office, nor in the case of an officer subjected to a recall election and not recalled thereby, until at least three months after the election at which such officer's recall was submitted to the voters of the

Town.

- B. No person shall be subject to recall if the term of office of such person expires within one hundred eighty (180) calendar days of the filing of an Initial Petition with the Town Clerk.
- C. No recall shall be filed against an officer who was the subject of a recall election and not recalled thereby, until at least six months after the election at which the recall question was submitted to the voters.

#### **§6 Subsequent Town Service for a Recalled Officer**

No person who has been recalled from an office, or who has resigned from office while recall proceedings were pending against him or her, shall be eligible to hold any Town elected office or appointed position within two (2) years after such recall or such resignation.

**Proposed by: SAM R. STIVERS, JACK BARRON, LOUISE BARRON, FREDERICA GILLESPIE**

**Board of Selectmen Recommendation:** Not Support

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *This home-rule petition updates the Town's bylaws to specify a process for recall of elected officials. This language is similar to bylaws in a number of other towns, as it creates a process by which 10% of the registered voters of the Town can force a recall election for an elected official. The bylaw language contains various safeguards to limit frivolous use of this mechanism, including such limitations as not allowing the recall process for an elected official earlier than six months after such an official is elected or within six months of the end of the term of such elected official.*

**MOTION MADE:** That the Town vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts to adopt a special act substantially the same as printed on the black-bordered handout dated April 25, 2017, commencing with "AN ACT ESTABLISHING A PROCEDURE FOR THE RECALL OF ELECTED OFFICIALS IN THE TOWN OF SOUTHBOROUGH" and continuing in the words as printed through the phrase "after such removal or such resignation." at the end of page 3, as a new Chapter, titled "Recall of Elected Officials", in the Town Code.

## **AN ACT ESTABLISHING A PROCEDURE FOR THE RECALL OF ELECTED OFFICIALS IN THE TOWN OF SOUTHBOROUGH**

### **Recall of Elected Officials**

#### **§1 Holders of an Elected Office May Be Recalled**

Any holder of an elected office may be recalled and removed by the registered voters of the Town as set forth in this act; provided that the maximum number of members of a multiple-member body that may be recalled at one time is a majority. Recall is intended to be utilized when, in the opinion of the number of voters specified below, an elected official, acting as such, has lost the confidence of the voters in his/her judgment or the ability to reasonably perform the duties and responsibilities of the office.

#### **§2 Recall Affidavit and Petition**

- A. A recall petition may be initiated by filing with the Town Clerk an affidavit containing at least five hundred (500) signatures of persons representing to be registered voters of the Town (including for each signature the street and number, if any, of the signer's residence), the name of the officer sought to be recalled and a statement of the grounds for recall (together, the "Initial Petition"). The Town Clerk shall, within five (5) business days of receipt of such affidavit, submit the affidavit to the Registrars of Voters of the Town and the Registrars shall, within five (5) business days of receipt of such Initial Petition, certify thereon the number of signatures which are names of registered voters of the Town. If the Registrars certify that the Initial Petition contains the signatures of at least five hundred (500) registered voters, the Town Clerk shall, within five (5) business days, make available to any one or more of the, registered voters making the Initial Petition copies of petition blanks demanding such recall (the "Recall Petition"). Said blanks shall be issued by the Town Clerk, with the Town Clerk's signature and the official Town seal affixed thereto. The blanks shall be consecutively numbered, dated, addressed to the Board of Selectmen, shall specify the name of the person whose recall is sought, shall specify the office from which removal is sought, shall specify the grounds of recall as stated in the Initial Petition, shall include a demand for a recall election, and shall include a demand for the election of a successor in said office.

- B. A copy of the Recall Petition shall be entered in a record book to be kept in the office of the Town Clerk. Said Recall Petition shall be returned and filed with the Town Clerk during regular business hours no later than the close of thirty (30) business days after the certification of the Initial Petition by the Registrars. Before being returned and filed with the Town Clerk, said Recall Petition shall have been signed by no fewer than twenty per cent (20%) of the registered voters of the Town as of the date the Initial Petition was filed with the Town Clerk (including for each signature the street and number, if any, of the signer's residence).
- C. The Town Clerk shall, within three (3) business days of receipt of the signed Recall Petition, submit the Recall Petition to the Registrars of Voters of the Town and the Registrars shall, within fifteen (15) business days, certify thereon the number of signatures which are names of registered voters of the Town.

### **§3 Recall Election and Removal**

- A. If the Recall Petition has a sufficient number of valid signatures and is certified by the Town Clerk and the Registrars of Voters, the Town Clerk shall allow five (5) business days for the filing of legal challenges to the signatures on the Recall Petition. If no such legal challenges are filed within these five (5) business days, or in the event that such legal challenges are filed, after such legal challenges have been resolved with the result that the Recall Petition is certified by the Town Clerk to be sufficient and valid, the Town Clerk shall submit the Recall Petition with the certification to the Selectmen forthwith. The Selectmen shall, within two (2) business days, give written notice of the receipt of the certification of the Recall Petition to the officer sought to be recalled, and shall, if the officer does not resign within five (5) business days thereafter, thereupon issue a warrant for a special election to be held on a Tuesday fixed by them not less than twenty-five (25) nor more than forty-five (45) calendar days after the date that the Town Clerk submits his certification to the Selectmen that the Recall Petition is sufficient; provided, however, that if any other Town election is to occur within ninety (90) calendar days after the date of the certification, the Selectmen shall issue a warrant for the recall election to be held on the date of such other election. If a vacancy occurs in said office after a recall election has been so ordered, the election shall nevertheless proceed as provided for in this section. If the officer sought to be recalled requests a public hearing in writing, the Selectmen shall hold a public hearing on the matter. This hearing shall take place not less than seven (7) days prior to the recall election.
- B. Any officer sought to be removed may be a candidate in the election to fill that office. The Town Clerk shall place the name of said officer on the official ballot without nomination or qualification, unless that officer requests otherwise in writing.
- C. The qualification of candidates other than the officer sought to be removed, the publication of the warrant for the recall election, and the conduct of the same shall be in accordance with the provisions of the law relating to the elections originally held for said office, unless otherwise specified by this Section 3.
- D. The question of recalling any number of officers may be submitted at the same election, but as to each officer whose recall is sought there shall be a separate ballot.
- E. Ballots used in a recall election shall submit the following propositions in the order indicated:  
     Against the recall of (name of officer).  
     For the recall of (name of officer).  
     Immediately at the right of each proposition there shall be a shape in which the voter, by making a cross mark (X) or by filling in the shape, may vote for either of the said propositions. Under the proposition shall appear the word "Candidates", the direction "Vote for One", and other directions to voters as required by section four of chapter fifty-four A of the General Laws, and beneath this the names of candidates nominated as hereinbefore provided.
- F. If a majority of the votes cast on the recall question is in the affirmative, the officer sought to be recalled shall be deemed recalled, as specified in Section 4 (unless such officer is re-elected pursuant to section 3G); then the candidate who received the highest number of votes in the special election to fill the vacancy shall be elected. If a majority of the votes cast on the recall question is in the negative, the ballots for candidates to fill the potential vacancy need not be counted.
- G. If a majority of votes cast in the candidate section of the ballot is for the officer whose recall is being sought, that officer shall remain in office regardless of the vote cast on the recall question.

### **§4 Officer Being Recalled and Successor**

The incumbent shall continue to perform the duties of office until the recall election unless the incumbent sooner resigns from the office. If then re-elected, the incumbent shall continue in office for the remainder of the unexpired term, subject to recall as before, except as provided in Section 5. If not re-elected in the recall election, the incumbent shall be deemed removed upon the certification of the election results. If the successor fails to qualify or is unable to begin serving in the office for any reason within five (5) business days after receiving notification of the certification of the election results, the incumbent shall be deemed removed and the office shall be vacant until the next Town election for such office.

#### **§5 Recall Timing Limitations**

- A. No Recall Petition shall be filed against an officer within three (3) months after such officer takes office, nor in the case of an officer subjected to a recall election and not recalled thereby, until at least twelve (12) months after the election at which such officer's recall was submitted to the voters of the Town.
- B. No person shall be subject to recall if the term of office of such person expires within one hundred eighty (180) calendar days of the filing of an Initial Petition with the Town Clerk.

#### **§6 Subsequent Town Service for a Recalled Officer**

No person who has been removed from an office via the recall process, or who has resigned from an office while recall proceedings were pending against him or her, shall be eligible to hold this same Town elected office within two (2) years after such removal or such resignation.

#### **MOTION FAILED.**

**ARTICLE 7:** To see if the Town of Southborough will vote to amend Chapter 3 of the Code of the Town of Southborough, Massachusetts, by adding a new Section 3-12 to Chapter 3 of the Town bylaws, comprised of the text on the attached document titled "New Chapter 3, Section 3-12: Removal of Appointed Board/Committee/Commission/Other Public Entity Member", which comprises 1 page and is dated 30-Dec-2016:

#### **§ 3-12 Removal of an Appointed Board/Committee/Commission/Other Public Body Member**

##### **A. Removal Process**

The appointing authority may remove an appointed member of a board or committee or commission or other public body of the Town, with more than six (6) months remaining in the appointee's term of office. The process for such removal may be initiated by any of the following three methods:

- (1) The appointing authority may, by a super-majority vote, cause a written notice of removal to be filed with the Town Clerk; or
- (2) A board or committee may, by a majority vote, submit a written request that the appointing authority remove one of its members, specifying the grounds for such removal request in writing and causing a written notice of removal to be filed with the Town Clerk; or
- (3) Two hundred (200) or more registered voters of the Town may file with the Town Clerk a petition requesting the removal of a member of a board or committee, specifying the grounds for such removal. Upon certification by the Board of Registrars of a sufficient number of valid signatures, the Town Clerk shall immediately give written notice to the appointing authority thereof.

##### **B. Public Hearing**

A public hearing shall be convened by the appointing authority not less than twenty (20) nor more than forty-five (45) calendar days after a notice, request or valid petition for removal is filed with the Town Clerk. Not less than ten (10) calendar days prior to such hearing, written notice thereof shall be given by the Town Clerk to the individual whose removal is sought, by mail, postage prepaid, to his or her last known address. Not less than forty-eight (48) hours prior to the time set for the commencement of the public hearing, the individual whose removal is sought shall be entitled to file a written statement with the appointing authority responding to the reasons cited for the proposed removal. The individual whose removal is sought may be represented by counsel at the public hearing, and shall be

entitled to present evidence, call witnesses and, personally or through counsel, question any witnesses appearing at the hearing. The entity or individual(s) initiating the removal process may be represented by counsel at the public hearing, and shall be entitled to present evidence, call witnesses and, personally or through counsel, question any witnesses appearing at the hearing. Should the individual whose removal is sought elect to resign his or her position before the public hearing, such public hearing shall not be held and the appointing authority shall make, according to its standard procedures, a new appointment to fill the vacant position for the remaining term of the incumbent who has resigned.

#### **C. Removal**

The appointing authority may, by majority vote, adopt a final resolution of removal, which shall be effective upon adoption. Failure to adopt a final resolution of removal within thirty (30) calendar days after the public hearing shall be deemed to be a disapproval of such resolution. The action of the appointing authority in removing the appointee shall be final, it being the intention of this section to vest all authority and fix all responsibility for such removal in the appointing authority. The individual whose removal is sought shall continue to serve in his or her appointed position until a final resolution of removal has become effective. After such removal, the appointing authority shall make, according to its standard procedures, a new appointment to fill the vacant position for the remaining term of the removed individual.

#### **D. Subsequent Town Service for a Removed Individual**

No person who has been removed from an appointed position pursuant to this section 3-12, or who has resigned from an appointed position while such removal proceedings were pending against him or her pursuant to this section 3-12, shall be eligible to hold any Town appointed position on a board or committee or other public body within (2) two years after such removal or such resignation.

;or act or do anything in relation thereto.

**Proposed by: SAM R. STIVERS, JACK BARRON, LOUISE BARRON, FREDERICA GILLESPIE**

**Board of Selectmen Recommendation:** Not Support

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *This petition adds a new section 3-12 to section 3 of the Town's bylaws to specify a process for removal of an appointed board/committee/commission/other public body member. This language is similar to bylaws in a number of other towns, as it creates a process for the removal of such appointed officials—initiated by three possible methods: (1) by a super-majority vote of the appointing authority; (2) by majority vote of the members of the public body; or (3) by petition of 200 or more registered voters. After this process is initiated by one of these methods, the proposed bylaw language establishes a process for the appointing authority to hold a hearing and to render a decision on the removal.*

**MOTION:** I move that the Town of Southborough vote to amend Chapter 3 of the Code of the Town of Southborough, Massachusetts, by adding a new Section 3-12 to Chapter 3, comprised of the text printed on the pink-bordered handout dated April 25, 2017 and titled "§ 3-12 Removal of an Appointed Board/Committee/Commission/Other Public Body Member".

### **§ 3-12 Removal of an Appointed Board/Committee/Commission/Other Public Body Member**

#### **A. Removal Process**

The appointing authority may remove, for cause, an appointed member of a board or committee or commission or other public body of the Town, who has served at least three (3) months in the appointed position and who has more than six (6) months remaining in their term of office; provided that such individual has not been the subject of a removal hearing within the prior twelve (12) months. The process for such removal may be initiated by any of the following three methods:

- (1) The appointing authority may, by a super-majority vote, cause a written notice of removal, specifying the grounds for such removal in writing, to be filed with the Town Clerk; or



- (2) A board or committee may, by a majority vote, submit a written request that the appointing authority remove one of its members, specifying the grounds for such removal request in writing and causing a written notice of removal to be filed with the Town Clerk; or
- (3) Five hundred (500) or more registered voters of the Town may file with the Town Clerk a petition requesting the removal of a member of a board or committee, specifying in writing the grounds for such removal. Upon certification by the Board of Registrars of a sufficient number of valid signatures, the Town Clerk shall immediately give written notice to the appointing authority thereof.

#### **B. Public Hearing**

A public hearing shall be convened by the appointing authority not less than twenty (20) nor more than forty-five (45) calendar days after a notice, request or valid petition for removal is filed with the Town Clerk. Not less than ten (10) calendar days prior to such hearing, written notice thereof shall be given by the Town Clerk to the individual whose removal is sought, by mail, postage prepaid, to his or her last known address. Not less than forty-eight (48) hours prior to the time set for the commencement of the public hearing, the individual whose removal is sought shall be entitled to file a written statement with the appointing authority responding to the reasons cited for the proposed removal. The individual whose removal is sought may be represented by counsel at the public hearing, and shall be entitled to present evidence, call witnesses and, personally or through counsel, question any witnesses appearing at the hearing. The entity or individual(s) initiating the removal process may be represented by counsel at the public hearing, and shall be entitled to present evidence, call witnesses and, personally or through counsel, question any witnesses appearing at the hearing. Should the individual whose removal is sought elect to resign his or her position before the public hearing, such public hearing shall not be held and the appointing authority shall make, according to its standard procedures, a new appointment to fill the vacant position for the remaining term of the incumbent who has resigned.

#### **C. Removal**

The appointing authority may, by majority vote, adopt a final resolution of removal, which shall be effective upon adoption. Failure to adopt a final resolution of removal within thirty (30) calendar days after the public hearing shall be deemed to be a disapproval of such resolution. The action of the appointing authority in removing the appointee shall be final, it being the intention of this section to vest all authority and fix all responsibility for such removal in the appointing authority. The individual whose removal is sought shall continue to serve in his or her appointed position until a final resolution of removal has become effective. After such removal, the appointing authority shall make, according to its standard procedures, a new appointment to fill the vacant position for the remaining term of the removed individual.

#### **D. Subsequent Town Service for a Removed Individual**

No person who has been removed from an appointed position pursuant to this section 3-12, or who has resigned from an appointed position while such removal proceedings were pending against him or her pursuant to this section 3-12, shall be eligible to hold this same Town board or committee appointed position within (2) two years after such removal or such resignation.

**MOTION MADE TO INDEFINITELY POSTPONE ARTICLE 8 FAILED.**

**MAIN MOTION FAILED.**

At 11:25pm, a motion was made to adjourn the Special Town Meeting until Wednesday April 26, 2017 at 8:00 pm.

**MOTION PASSED UNANIMOUSLY.**

**Special Town Meeting  
Adjourned Session  
April 26, 2017**

At the Adjourned Special Town Meeting, duly called and held in the P. Brent Trottier Middle School, Southborough, on Wednesday April 26, 2017 at 9:35pm, the following ARTICLES were voted on in a legal manner. There was a quorum present (100 voters = quorum); 215 voters were present.

**ARTICLE 8:** To see if the Town of Southborough will vote to amend Chapter 27 of the Code of the Town of Southborough, Massachusetts, by deleting Chapter 27, Article III, Section 27-7 in its entirety and by inserting in place thereof the text on the attached document titled "Updated Chapter 27, Article III, Section 27-7 ", which comprises 1 page and is dated 30-Dec-2016, as Chapter 27, Article III, Section 27-7 of the Town bylaws:

**§ 27-7 Consent for opinions required**

- A. No Town officer, board, commission or committee shall request an opinion from, or legal support from, the Town Counsel, except in cases not admitting of delay, without first obtaining the consent of the Board of Selectmen; nor shall any such Town officer, board, commission or committee employ any other counsel without like consent, except as set forth in Section 27-7.B, under which circumstances such legal opinion or services from legal counsel other than Town Counsel is permitted without the consent of the Board of Selectmen.
- B. In the event that an elected Town officer, board, commission or committee requests an opinion from, or seeks any form of legal services from, the Town Counsel, and the Town Counsel either has a conflict of interest and/or cannot provide independent counsel due to competing and/or conflicting Town officer, board, commission or committee interests or positions or for any other similar reason, then such elected Town officer, board, commission or committee may engage the services of an attorney or law firm other than Town Counsel, without the consent of the Board of Selectmen, to provide such legal opinion or other legal services; provided that such Town officer, board, commission or committee has the necessary funds available to pay for such legal opinion or other legal services without relying on Town funds outside of their jurisdiction; and further, provided that such elected Town officer, board, commission or committee may gain access to such legal opinion or other legal services not requiring payment from Town funds (such as services paid for through donations of funds from third parties or pro bona legal services). For an elected Town board, commission or committee, such use of legal services from an attorney or firm other than Town Counsel must be approved by a super-majority vote of such board, commission or committee.

;or act or do anything in relation thereto.

**Proposed by:** SAM R. STIVERS, JACK BARRON, LOUISE BARRON, FREDERICA GILLESPIE

**Board of Selectmen Recommendation:** Not Support

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *This petition replaces section 27-7 of the Town's bylaws with updated language that allows elected boards/commissions/committees or elected officials to engage legal counsel, independent of the current requirement for Selectmen's approval of such access—provided that Town Counsel is conflicted with respect to a particular request for such legal support or is unable to provide legal counsel to such board/commission/committee or official for any reason; and further provided that such board/commission/committee or official has access to funds (either as part of their budgeted funds or from donations or from pro bono services) to pay for such legal counsel.*

**MOTION MADE:** That the Town of Southborough vote to amend Chapter 27 of the Code of the Town of Southborough, Massachusetts, by deleting Chapter 27, Article III, Section 27-7 in its entirety and by inserting in place thereof the text printed on the green-bordered handout dated April 25, 2017 and titled "§ 27-7 Consent for opinions required".

**§ 27-7 Consent for opinions required**

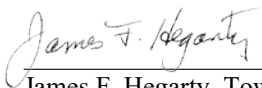
- A.** No Town officer, board, commission or committee shall request an opinion from, or legal support from, the Town Counsel, except in cases not admitting of delay, without first obtaining the consent of the Board of Selectmen; nor shall any such Town officer, board, commission or committee employ any other counsel without like consent, except as set forth in Section 27-7.B, under which circumstances such legal opinion or services from legal counsel other than Town Counsel is permitted without the consent of the Board of Selectmen.
- B.** In the event that an elected Town officer, board, commission or committee requests an opinion from, or seeks any form of legal services from, the Town Counsel, and the Town Counsel reasonably determines that Town Counsel either has a conflict of interest that prohibits Town Counsel from providing independent counsel due to competing and/or conflicting Town officer, board, commission or committee interests or positions or if Town Counsel cannot provide the requested legal support for any other reason and if the Selectmen do not authorize the hiring of a Town-funded special counsel to provide such legal support, then such elected Town officer, board, commission or committee may engage the services of an attorney or law firm other than Town Counsel, without the consent of the Board of Selectmen, to provide such legal opinion or other legal services; provided that such Town officer, board, commission or committee has the necessary funds available to pay for such legal opinion or other legal services without relying on Town funds outside of their jurisdiction; and further, provided that such elected Town officer, board, commission or committee may gain access to such legal opinion or other legal services not requiring payment from Town funds (such as services paid for through donations of funds from third parties or pro bono legal services). For an elected Town board, commission or committee, such use of legal services from an attorney or firm other than Town Counsel must be pre-approved by a super-majority vote of such board, commission or committee.

**MOTION FAILED.**

At 10:18pm, it was voted unanimously to dissolve the SPECIAL TOWN MEETING.

True Copy

Attest:



James F. Hegarty, Town Clerk



Town of Southborough  
ANNUAL TOWN MEETING  
April 9, 2018

**A**t the Annual Town Meeting duly called and held in the P. Brent Trottier Middle School, Southborough, on Monday, April 9, 2018 at 7:00PM, the following ARTICLES were voted on in a legal manner. There was a quorum present (100 Voters = quorum); 318 voters were present.

**The Town Moderator, Paul M. Cimino, called the meeting to order at 7:01 PM.**

**MOTION TO WAIVE THE READING OF THE WARRANT PASSED.**

**ARTICLE 1:** To hear reports of the various Town Officers and Committees and to take such action thereon as the Town may vote.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation:** At Town Meeting

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *To hear reports of Town Boards, Committees or Commissions.*

**MOTION MADE:** That the town hear reports of the various town officers and committees and to take such action thereon as the town may vote.

**MOTION PASSED.**

**ARTICLE 2:** To see if the Town will vote to accept any sum of money from St. Mark's School, Fay School, Harvard Medical School, L'Abri Fellowship, The New England Center for Children, and any other contributor and deposit same amount in Estimated Receipts Account, and determine what disposition shall be made of the same, if accepted, or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *To allow the Board of Selectmen to accept donations from Tax Exempt organizations and determine the disposition of funds.*

**MOTION MADE:** That the Town vote to accept any sum of money from St. Mark's School, Fay School, Harvard Medical School, New England Regional Primate Research Center, L'Abri Fellowship, The New England Center for Children, and any other contributor and deposit same amount in Estimated Receipts Account, and determine what disposition shall be made of the same, if accepted.

**MOTION PASSED.**

**ARTICLE 3:** To see if the Town will vote to authorize the Town Treasurer, with the approval of the Selectmen, to borrow from time to time in anticipation of revenue of the financial year beginning July 1, 2018 in accordance with the provisions of Massachusetts General Laws, Chapter 44, and to issue a note or notes as may be given for a period of less than one year in accordance with Massachusetts General Laws, Chapter 44, Section 17 as amended, or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *This article allows the Town Treasurer to short-term borrow in anticipation of revenue.*

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**MOTION MADE:** That the Town vote to authorize the Town Treasurer, with the approval of the Selectmen, to borrow from time to time in anticipation of revenue of the financial year beginning July 1, 2018 in accordance with the provisions of Massachusetts General Laws, Chapter 44, and to issue a note or notes as may be given for a period of less than one year in accordance with Massachusetts General Laws, Chapter 44, Section 17 as amended.

**MOTION PASSED.**

**ARTICLE 4:** To see if the Town will vote in accordance with the provisions of Massachusetts General Laws Chapter 30B, Section 12(b), to authorize the Board of Selectmen or the Superintendent of Schools to solicit and award contracts for terms exceeding three years, including any renewal, extension or option, provided in each instance the longer term is determined to be in the best interest of the Town by a vote of the Board of Selectmen or the School Committee, as appropriate, or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation:** Support

**Advisory Board Recommendation:** Support

**Summary:** *This article allows the Selectmen and/or the School Committee to enter into contracts in excess of three years, if deemed in the best interest of the Town to do so. This has been an annual article, and the exemption has been limited to contracts of no more than seven years.*

**MOTION MADE:** That the Town vote in accordance with Massachusetts General Laws Chapter 30B, Section 12(b) to authorize the Board of Selectmen and Superintendent of Schools to solicit and award contracts for terms exceeding three years to a maximum of seven years, including any renewal, extension or option, provided in each instance the longer term is determined to be in the best interest of the Town by a vote of the Board of Selectmen or the School Committee.

**MOTION PASSED.**

**ARTICLE 5:** To see if the Town will vote to accept the following changes, as noted in BOLD in the Personnel Salary Administration Plan, as specified in Chapter 31 of the Code of the Town of Southborough, entitled: PERSONNEL.

**PERSONNEL BYLAW  
ENTITLED "THE SALARY ADMINISTRATION PLAN"  
[revised at April 9, 2018 Annual Town Meeting]**

This bylaw establishes a Salary Administration Plan for the Town of Southborough that (i) groups position classifications in Town services, (ii) establishes salary schedules and employee benefits and (iii) establishes and authorizes the Personnel Board to administer the bylaw and to represent the interest of both the taxpayers and the Town employees.

This Salary Administration Plan applies to the positions of all officers and employees in the service of the Town, whether full-time, part-time, temporary, seasonal, special or any other, except those positions filled by popular election, under the direction and control of the School Committee, or encompassed in any officially recognized labor union and/or association. The positions covered by this Salary Administration Plan are hereby classified by titles in the groups listed in Schedule A through G ("Classification Schedule") as set forth in Section 20 of this bylaw.

The classification of positions subject to the Massachusetts Welfare Compensation Plan (as amended) and the scheduled rates therefor, as well as the applicable provisions of the Massachusetts General Laws relating to the application of rates set forth in the aforementioned Welfare Compensation Plan are hereby incorporated by reference.

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SECTION 1. DEFINITIONS

As used in this bylaw, the following words and phrases shall have the following meanings:

“Administrative Authority” means the elected or appointed official or board having jurisdiction over a function or activity.

“Anniversary Date” means the date 180 days after (i) the first day of employment or (ii) the date of any promotion, whichever is later.

“Base Pay” means the compensation paid by the Town of Southborough for the purposes of determining retirement credits and contributions for Town employees.

The Town shall contribute funds as required for each eligible employees in accordance with the procedures and formula established by the Worcester Regional Retirement System and the bylaws of the Town of Southborough. Contributions shall include (i) wages earned during the first eight hours worked in any one day (no contributions shall be made for hours worked in excess of 40 per week,) (ii) any lump sum bonus that is guaranteed by the Salary Administration Plan or the Bylaws of the Town, (e.g., longevity pay); (iii) vacation pay, except when paid in lieu of taking vacation; (iv) sick pay; and (v) holiday pay.

“Class” means a group of positions in the Town service sufficiently similar with respect to duties and responsibilities such that for each position the same (i) descriptive title may be used, (ii) qualifications shall be required, (iii) tests of fitness may be used to choose qualified employees and (iv) scale of compensation can be equitably applied.

“Classification Schedule” means any of Schedules A, B, C, D, E, F **and** G of Section 20 hereof.

“Compensation Grade” means a range of salary/wage rates as may appear in the Classification Schedules.

“Continuous Full-Time Service” means employment requiring a predetermined minimum work period that is uninterrupted except for authorized leaves (e.g., vacation, sick, etc.).

“Continuous Employment” means full-time or part-time employment that is uninterrupted except for authorized leaves (e.g., vacation, sick, etc.).

“Department” means a functional unit of Town government.

“Department Head” means the person appointed and responsible to carry out the duties of a Department.

“Full-Time Employment” means employment for not less than 20 hours per week for fifty-two weeks per annum, excepting authorized holidays and leave periods.

“Group” means a group of classes as may appear in the Classification Schedules.

“Maximum Rate” means the highest compensation rate to which an Employee is entitled.

“Minimum Rate” means the lowest rate in a Range, and is normally the hiring rate of a new employee.

On-Call Compensation: refers to additional money paid to an employee who is required to work when the need requires; oftentimes in an evening or weekend capacity.

“Part-Time Employment” means employment less than 20 hours per week.

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“Position” means an office or post of employment in the Town service with duties and responsibilities calling for the Full-Time or Part-Time Employment of one person in the performance and exercise thereof (or of more than one person sharing the same position).

“Position Class” means the same as “Class” (note that a class may include only one position, in which event it is defined as a “single position class”).

**“Probationary Employee” means a first-time Town employee within his/her first six months of employment.**

“Promotion” means a change from one position to another position in a higher class and/or compensation grade.

“Range” means the difference between minimum and maximum rates of an assigned grade.

“Rate” means the measure of compensation for personal services on an hourly, weekly, monthly, annual or other basis.

“Salary Administration Plan” means **the Personnel Bylaw** Entitled “**The Salary Administration Plan.**”

“Single Rate” means a rate for a specific position class that is not in a designated range.

## SECTION 2. POSITION TITLES

No person shall be appointed, employed or paid in any position under any title other than those of the Classification Schedule for which the duties are actually performed. The position title in the Classification Schedule shall be the official title for all purposes, including payrolls, budgeting and official reports.

## SECTION 3. NEW OR CHANGED POSITIONS

No new position shall be established, nor the duties of an existing position so changed that a new level or work demand exists, unless upon presentation of substantiating data satisfactory to the Personnel Board, the Board shall rate such new or changed position, and allocate it to its appropriate classification grade and establish the rate therefor.

## SECTION 4. RECLASSIFICATION OF EMPLOYEES

No position may be reclassified to another grade, whether higher or lower, unless the Personnel Board shall have determined such reclassification is consistent with this Salary Administration Plan, and it shall be approved at an annual or special town meeting.

## SECTION 5. JOB DESCRIPTIONS

The Personnel Board shall maintain written job descriptions of the position classes in the Classification Schedule, each consisting of a statement describing the essential nature of the work required of such classes. Each Department Head shall be required to retain current job descriptions and to submit any revisions to the Personnel Board (following any review by the Board of Selectmen or their designated appointee or the appropriate Commissioners or Trustees). The description for any class shall not be deemed to limit the duties or responsibilities of any position, nor to affect in any way the power of any administrative authority to appoint, to assign duties to, or to direct and control the work of any employee under the jurisdiction of such authority.

## SECTION 6. COMPENSATION

a. The bi-weekly pay period shall begin at 12:00 a.m. Thursday and shall end at 11:59 p.m. on the following second Wednesday.



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b. Non-exempt employees subject to this Salary Administration Plan shall be paid for one and one-half hours worked for any hour worked in the excess of forty in their weekly pay period, provided such extra hours were authorized by the Department Head.

c. The salary schedules set forth in Schedules A, B, C, D, E, F and G of Section 20 hereof reflect the maximum and minimum salaries for each grade.

d. Salary set forth in Schedule A represents a 40 hour work week and in the event an employee works less than 40 hours per week but more than 20 hours per week, the indicated salary is pro-rated reflective of the posted salary schedule in Schedule A.

e. Amounts paid to employees in reimbursement for expenses incurred in the performance of their duties (e.g., mileage, meals, dues, etc.) shall be paid in addition to their compensation. Reimbursement shall be based upon the actual documented expenditure made by the employee, or at rates established by the Internal Revenue Service, supported by that agency's requirements for documentation.

f. On-Call Compensation: Employees shall be eligible to earn a weekly stipend not to exceed \$200.00 per week for on-call service if the department head has required them to work outside of their normal schedule. This need is likely to occur on an evening or weekend basis as the need requires. There is no provision to accrue compensation time in lieu of payment.

#### SECTION 7. SALARY ADJUSTMENT & COMPENSATION POLICIES

- a. Every employee that is in Continuous Full-Time or Part-Time service of the Town, as computed from the date of their latest employment, shall be eligible annually for consideration of a **salary** increase, one year from the date of his/her latest increase. Except as may be authorized by the Personnel Board in exceptional circumstances, such increase is not to exceed one increase in any single twelve-month period until the maximum of the grade is obtained, and such increase shall be subject to the recommendation of the Department Head, with the approval of the Board of Selectmen or their designated appointee **in the case of departments within the jurisdiction of the Board of Selectmen**, or the appropriate Commissioners or Trustees **in the case of departments outside the jurisdiction of the Board of Selectmen**.

Retroactive **salary** increases voted by the Personnel Board shall not be compensated beyond July 1 of that fiscal year, regardless of the funding mechanism.

An evaluation of the employee's performance, in a format approved by the Personnel Board, must accompany a request for an increase. Upon receiving such documentation, the Personnel Board shall have final review and approval of all adjustments.

An employee may appear before the Personnel Board prior to its action on any request for **an** increase. Any employee denied such an increase may appeal, in writing, to the Personnel Board, which shall confer with the employee, the Department Head and the Board of Selectmen or their designated appointee, or the appropriate Commissioners or Trustees, and shall decide the matter.

- b. Regular Part-Time employees shall be eligible for consideration for **salary** increases within their grade one year from the date of their last increase, **absent exceptional circumstances as may be authorized by the Personnel Board**.
- c. Special and other Part-Time personnel for whose positions there is a single rate established in Schedule D shall not be eligible for adjustment.
- d. **Probationary Employees:**

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1. During **the** probationary period, benefit eligible employee(s) will earn vacation, sick and personal time in accordance with Section 11(b-d) hereof.
2. **During the probationary period**, paid leave accruals shall be based on the original hire date.
3. **At the end of the 6-month probationary period, an** employee may receive **an** increase [based on **any annual adjustment voted** by the Personnel Board] provided that: the Department Head recommends **it**, **presents a completed performance evaluation**, and the Personnel Board approves **it by a majority vote**.

**Any such** increase shall apply only at the start of employment **with the Town** and shall not apply in case of transfer or promotion from one job to another. The effective date of the new position shall then become the employee's new anniversary date for **salary** increases.

#### SECTION 8. TRANSFERS AND PROMOTIONS

- a. An employee who is promoted to a job with a higher range or rate of pay shall enter it at the rate recommended by the Department Head with the approval of the Personnel Board. The employee may also receive at the time an increase, provided the maximum for the job is not exceeded, if the Department Head recommends that qualifications and performance warrant it and the Personnel Board approves. If the Department Head recommends that there should be a probationary period before the promotional increase [not to exceed the percentage increase voted for that fiscal year], then the Personnel Board may approve such a deferred promotional increase at the conclusion of the probationary period (which shall not exceed six months).
- b. An employee transferred to a job with a lower range or rate of pay shall enter it at the rate paid for the previous position or at the maximum rate for the job, whichever is the lower, provided the Personnel Board approves. The employee shall have a right to appeal this decision, in writing, to the Personnel Board, which shall confer with the employee, the Department Head and the Board of Selectmen or their designated appointee, or the appropriate Commissioners or Trustees, and shall decide the matter.

#### SECTION 9. NEW PERSONNEL **HIRING**

- a. Pre-employment physical examinations will be required of newly-hired employees consistent with the Town's policies.
- b. **Probationary period: For new hires, the first six months of employment shall be a probationary period. The probationary period does not apply to Town employees who change positions within the Town.**
- c. A new employee's hiring rate shall be the minimum of the rate range of the job, unless otherwise authorized by the Personnel Board or **Personnel Director**. The Personnel Board is cognizant of the need to make timely decisions during the recruitment process, **therefore, the Personnel Director is empowered** to set starting salaries for new employees with comparable experience **at a rate** not exceeding the mid-point of the pay scale set forth in Schedules A and C of the Salary Administration Plan. Department Heads shall notify the Personnel Board of the hiring of all personnel and their hiring rates.

#### SECTION 10. DEPARTMENT BUDGETS

Each Department Head shall include in the annual departmental budget a pay adjustment section to provide funds for anticipated pay adjustments, with expenditures to be made only in accordance with this Salary

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Administration Plan and with the approval of the Personnel Board. Degree bonus [Sec 11i(1)] funds shall also be budgeted in the departmental budget.

SECTION 11. EMPLOYEE BENEFITS

Employee benefits are a cost to the Town and a form of "indirect pay" to employees. The benefits listed below are not intended to supersede what State or Federal law may otherwise require.

All forms of paid leave set forth in the SAP may represent a 40 hour work week; in the event an employee works less than 40 hours per week but more than 20 hours per week, the indicated benefit shall be pro-rated reflective of the approved hours per week for that position.

a. Holidays with Pay

Each eligible Employee shall receive one day's pay at their regular rate for the following:

New Year's Day	Labor Day
Martin Luther King Day	Columbus Day
Presidents' Day	Veteran's Day
Patriot's Day	Thanksgiving Day
Memorial Day	Day after Thanksgiving Day
Independence Day	Christmas Day
	Day before <u>or</u> after Christmas Day (as set by the Town annually)

To be eligible for holiday pay, an Employee must work (or be duly excused from working) their regular scheduled days preceding and following the holiday. Employees who do not work 20 hours or more per week on a regular basis shall not be compensated for holidays.

Employees whose regular day off falls on a holiday may have one day off with pay within the ensuing thirty days in lieu of holiday pay, with the specific choice of day subject to Department Head approval. Furthermore, the day granted in lieu of holiday pay shall not cross fiscal years.

All administrative policies and practices relative to holidays with pay shall be prepared and established under the direction of the Personnel Board.

b. Vacations with Pay

(1) Regular Full-Time Employees who have been in the continuous employ of the Town shall earn paid vacation in accordance with the following schedule:

(2)

Years of Employment	Earned per month
0-5	6.666
6-10	10.0
11-15	13.333
16 or more	16.666

Employees hired prior to July 1, 2005, shall be eligible to earn twenty hours per month after serving twenty years of full time employment with the Town.

(1) At the recommendation of the hiring authority and upon the approval of the Personnel Board, new employees entering into a position with the Town of Southborough from a similar position in another municipality or similar government agency will be allowed to enter into the vacation schedule using their years of service from their prior employment, up to a maximum of three weeks' vacation [pro-rated] for the first year of employment with

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the Town. Employees commencing employment with three weeks per year will be required to complete five years of service before ascending to the next band in the vacation schedule chart.

(2) Vacation shall be granted by Department Heads at their discretion subject to the regular work needs of the Department. An employee shall be permitted to carry over to the following year one year's worth of earned vacation. The employee must have the Department Head's approval to take any portion of a prior year's unused vacation in addition to the days earned in the current fiscal year.

(3) If in the opinion of the Department Head there are unusual work-related circumstances that warrant it, a department head may seek approval from the Town Administrator **or his/her delegatee** to allow the employee to continue to work and receive vacation pay in lieu of taking vacation. Approval granted in this section may not exceed ten days per fiscal year.

(4) In the event of termination of employment other than for cause, the employee shall be paid, or be entitled to time off with pay, for any accumulated vacation time. Personal and sick leave shall not be compensated at termination.

(5) Vacation administrative policies and practices shall be prepared and established under the direction of the Personnel Board.

b. Sick Leave

(1) All regular Full-Time Employees shall be entitled to accrue 10 sick hours per month, equaling 120 hours annually (15 sick days); employees working less than 40 hours in a weekly pay period will accrue ratably based on hours worked per week. Pay for each day of sick leave shall be at the regular rate. Absences on account of sickness in excess of that authorized shall be charged to vacation or other available paid leave. Sick leave shall be payable only in cases of genuine illness, non-work connected accident, or work connected accidents not covered by Massachusetts General Laws Chapter 152 (Workers' Compensation).

(2) Unused sick leave may be accumulated without limitation for employees hired before July 1, 2007. Employees of the Town of Southborough hired on or after July 1, 2007 may only accrue 120 sick days at any one time. At retirement [or death] only, the Town will pay the employee twenty percent (20%) of the employee's then-accumulated sick leave.

(3) Employees who because of genuine illness or a non-work connected accident are absent for a period of more than three days shall be required to present a doctor's certificate to their Department Head before returning to work stating the reason, the period of time the employee was absent and whether there are any physical restrictions or required outpatient services the employee must adhere to in the workplace.

(4) Annually, an employee may use up to seven of the allowed fifteen days of sick leave for the care of a sick family member.

(5) Sick leave administrative policies and practices shall be prepared and established under the direction of the Personnel Board.

d. Personal Days

Each employee shall be entitled to three personal days per year, to be granted annually on the anniversary of the employee's date of hire. New employees shall be granted three personal days which shall be pro-rated based on hours worked per pay period. Requests for personal days shall be approved by the Department Head. Personal days shall not accumulate from year to year.

e. Military Leave

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(1) Reserve Duty: An employee in full-time employment in the military reserve shall be paid the difference between compensation received while on reserve duty and regular compensation rates paid the employee by the Town. Such payment by the Town shall be limited to a period not to exceed two weeks in any twelve-month period.

(2) Active Duty: Pursuant to Article 8 of the April 11, 2005 Annual Town Meeting, an employee in the federal military reserve or a state National Guard who is called to active service shall be entitled to their regular base salary and shall not lose any seniority or paid leave benefits while on military leave; *provided*, however, that such base pay shall be reduced by any amount received from the United States as pay or allowance for military service performed.

f. Jury Duty

Any employee who is called to jury duty shall be paid the difference between their normal compensation and the amount (excluding any travel allowance) received from the court, upon presentation of evidence of the amount paid by the court.

g. Miscellaneous Paid Time Off

Working time lost from regularly scheduled work days for reasons listed below shall be without loss of pay, provided such lost time is authorized by the Department Head:

(1) Bereavement leave – In the event of the death of a spouse, father, mother, child, father-in-law, mother-in-law, brother, sister, grandparent, or of any other person then residing with the employee, such employee shall be entitled to receive three days' leave for the purpose of the funeral and services of the deceased. If out-of-state travel is required, the Town Administrator **or his/her delegatee** may authorize up to two additional days of travel time.

(2) Medical examination or inoculation required by the Town.

(3) Blood donation authorized by the Department Head.

(4) Attendance at professional and educational programs authorized by the Department Head.

h. Court Time Pay

If the Town requires that an employee appear in Court as a witness or in any other capacity arising from the performance of the employee's duty, or on behalf of the Commonwealth or the Town in any civil or criminal case pending in any Court or other official governmental board or agency, then for any such appearance that is made outside of the employee's normal working hours the employee shall be entitled to overtime compensation for every hour or fraction thereof during which they appear (but in no event less than three hours of such overtime pay).

i. Employee Educational Support/Professional Development

(1) Degree Bonus: All **Part-Time and Full-Time** employees who, while an employee of the Town, earns a degree in a field applicable to their position from an accredited college or university, shall receive a one-time bonus subject to appropriation, according to the following schedule:

Associates Degree....\$ 800.00  
Bachelors Degree...\$1,200.00  
Masters Degree.....\$1,500.00

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A copy of the completed transcript, diploma or other appropriate evidence of the completed degree must be presented to the Department Head and the Personnel Board, and shall be submitted as documentation for accounts payable.

(2) Tuition reimbursement: As administered through the Personnel Board and subject to the procedure below, the Town may provide tuition reimbursement to any **Part-Time or Full-Time** employee for a course that applies to the employee's specific position and for which the employee **submits written verification** of a grade of "B" or better.

(3) Approval Procedure: Town funds must first be appropriated by Town Meeting in the Personnel Board's fiscal year budget. If funds are appropriated, then no later than August 31<sup>st</sup> of each year interested employees shall advise the Personnel Board in writing of their interest in taking work-related courses during the fiscal year. The request should be routed through the employee's Department Head to the Assistant Town Administrator, and should include detailed information regarding the desired coursework and cost of tuition. Thereafter the Personnel Board will review all such requests and make recommendations for reimbursement based on available funds and the number of requests. The Board will then notify the employee and their department head of the decision.

(4) Reimbursement: Tuition reimbursed shall be paid only after the employee presents to the Department Head written verification of (a) course completion (with a grade of at least B) and (b) full payment by the employee. If an employee resigns employment within twelve months of such reimbursement, the employee shall be responsible to repay the amount paid to them by the Town.

j. Group Medical Insurance

Starting July 1, 2009, the Town will contribute fifty percent (50%) of the cost of a medical indemnity plan or seventy-five percent [75%] of the cost of a Health Maintenance Organization plan.

#### SECTION 12. UNPAID LEAVES OF ABSENCE

a. A leave of absence without compensation may be granted by the Personnel Board.

b. Leaves of absence of over three months' duration (except Military Leave) shall be deemed a break in employment, and on return to work the employee shall have the status of a new employee unless an extension of leave beyond three months was authorized by the Personnel Board.

#### SECTION 13. TRANSITIONS BETWEEN FULL-TIME AND PART-TIME STATUS

a. A Part-Time employee shall be eligible for Full-Time status when the employee has worked 20 hours or more per week for a period of at least three consecutive months, subject to approval by the Department Head.

b. A Full-Time employee whose hours of employment total less than 20 hours per week for a period of more than three consecutive months shall thereafter be deemed a Part-Time employee.

#### SECTION 14. APPOINTMENT OF "ACTING" DEPARTMENT HEADS

a. In the absence or retirement of a Department Head for three consecutive weeks, the Board of Selectmen or appropriate board or commission may appoint an "Acting" Department Head to serve for a period of not more than three months. Such three-month period may be extended for up to three additional three-month periods, upon the approval of the Board of Selectmen or other appropriate board or commission for each such extension. In no case shall an appointment of an "Acting" Department Head exceed one year.

b. Duly appointed "Acting" employees shall be compensated at an additional 10% per week, payable retroactively only upon the conclusion of three consecutive weeks of service by the "Acting" employee. Such

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employees shall still be eligible for overtime pay when fulfilling regular duties from the previous job beyond normal working hours.

SECTION 15. PERSONNEL BOARD

a. There shall be a Personnel Board to administer the Salary Administration Plan. Said Board is to be appointed by the Town Moderator. The Board shall consist of five voters other than employees of the Town or those regularly serving the Town in any elective capacity. They shall serve without compensation.

b. Other than as may be needed to fill unexpected vacancies, appointments shall be for three years. The Moderator shall fill any vacancies. The Personnel Board may employ assistance and incur expenses as it deems necessary, subject to appropriation of funds thereof.

SECTION 16. DUTIES OF THE PERSONNEL BOARD

a. The Personnel Board shall administer the Salary Administration Plan and shall establish such policies, procedures and regulations as it deems necessary for the administration of the Plan.

**b. The Town Administrator serves as the Town's Personnel Director under the Town Administrator Bylaw [Ch. 27, Art. IX]. As such, the Personnel Director is invested with personnel authority and responsibilities as set forth therein. From time to time, and as may be necessary, the Personnel Board will consult and/or act in concert with the Personnel Director or his/her delegatee on matters of joint responsibility and concern.**

c. The Board shall meet annually in July and organize by the choice of a Chair and Clerk. The Board shall meet at least monthly, except for the month of August. A majority of the Board shall constitute a quorum for the transaction of business. The votes of the majority of all the members of the Board shall be necessary on any matter upon which it is authorized to or required to pass under the Salary Administration Plan.

d. The Personnel Board shall maintain records of all employees subject to this Plan as it deems desirable, including personnel evaluations. Such records are to be kept by the **Personnel Director or his/her delegatee**, under the direction of the Personnel Board. Department Heads shall furnish such information as requested by the Board.

e. The Personnel Board shall from time to time, but no less often than every federal Election Year, review the Classification Schedule, Salary Schedules, and administration policies of the Salary Administration Plan. It shall keep informed as to pay rates and policies outside the Town, and shall recommend to the Town any action that the Board deems desirable in that regard. The Personnel Board may tentatively add a new class to the Classification Schedule or reallocate an existing class to a different compensation grade, either higher or lower, subject to the subsequent ratification of its action by formal amendment of the Salary Administration Plan at the next Annual Town Meeting.

f. Between November and January of each fiscal year, the Personnel Board may vote an annual adjustment (but shall reserve the right to vote no adjustment) to the Classification Schedule and establish the effective rate for employees of each grade for the next fiscal year, subject to the subsequent ratification of its action by formal amendment of the Salary Administration Plan at the next Annual Town Meeting. The Personnel Board shall base any annual adjustments upon available relevant information. **Approval of the rate for any given employee is not guaranteed and is driven by the annual performance evaluation.**

g. Matters of concern by SAP employees that are communicated in writing to the Chair of the Personnel Board will be scheduled on an agenda at the next available meeting **providing all necessary and requested information has been submitted in time to be part of the meeting packet.** In addition, notice in writing shall be forwarded to the concerned employee and respective Department Head within seven days of the Board's decision. Notwithstanding the foregoing, if the Personnel Board shall so request and the concerned employee and Department Head shall agree, a reasonable extension of these time periods may be granted.

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h. Upon recommendation of a Department Head, supported by evidence in writing of special reasons and exceptional circumstances satisfactory to the Personnel Board, the Board may authorize variances in the Salary Administration Plan as it may deem necessary for the proper functioning of the services of the Town, and to effectuate the basic intent of the Plan.

SECTION 17. EMPLOYEES AND THE PERSONNEL BOARD

a. All employees covered by this Salary Administration Plan shall have the right to request an appointment to confer with the Personnel Board on any matter of interest or concern to them that is covered by the Salary Administration Plan. The employee shall notify the Department Head in writing in advance of the desire to discuss the matter with the Board. One of the duties of the Board shall be to foster mutual understanding and good will with the personnel of the Town.

b. To facilitate this, if any employee should feel aggrieved by the operation of any provision of the Plan, the employee shall first discuss the matter with the Department Head, in a mutual effort to clear up any problems or misunderstanding.

c. If two weeks after such a conference a satisfactory understanding and solution of the problem has not been reached, then either the Department Head or the employee may take the matter to the Personnel Board, and the Board shall hear the parties not later than at its next regular meeting. There shall be no discrimination or prejudice by a Department Head against any employee who may take a matter to the Board.

SECTION 18. AMENDMENT OF THE PLAN

The Salary Administration Plan may be amended in the same manner that Town Bylaws may be amended. However, no amendment to the Plan shall be made until it has been presented by a signed petition to, and acted upon by, the Personnel Board. Upon receipt of such a written petition, the Board, after giving the petitioner(s), the Department Head(s) and the affected employee(s) at least two weeks' written notice, shall hold a hearing to consider the proposed amendment. If the Personnel Board approves of any proposed amendment, it shall bring it before the next available Special or Annual Town Meeting for its consideration. If the Personnel Board disapproves any proposed amendment or shall fail to act thereof within fifteen days after the hearing (which failure shall be deemed disapproval), the petitioner(s) may present the petition to the next available Town Meeting for its consideration. The Board of its own motion, after a similar hearing and/or conference with parties interested, may propose an amendment to the Plan.

SECTION 19. SEVERABILITY PROVISION

In the event that any provision of this bylaw, or application thereof, shall be held to be invalid by the proper authorities, this shall not be construed to affect the validity of any other provision, or application thereof, of this bylaw.



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SECTION 20: CLASSIFICATION SCHEDULE

SCHEDULE A: FULL-TIME SALARY GRADED POSITIONS

	<b>Minimum</b>	<b>Midpoint</b>	<b>Maximum</b>
<b>1</b>	<b>\$37,100</b>	<b>\$42,692</b>	<b>\$48,283</b>
<b>2</b>	<b>\$39,883</b>	<b>\$45,865</b>	<b>\$51,848</b>
<b>3</b>	<b>\$42,874</b>	<b>\$49,305</b>	<b>\$55,736</b>
<b>4</b>	<b>\$47,700</b>	<b>\$56,048</b>	<b>\$64,395</b>
<b>5</b>	<b>\$51,278</b>	<b>\$60,251</b>	<b>\$69,224</b>
<b>6</b>	<b>\$55,123</b>	<b>\$64,770</b>	<b>\$74,416</b>
<b>7</b>	<b>\$66,250</b>	<b>\$79,500</b>	<b>\$92,750</b>
<b>8</b>	<b>\$77,844</b>	<b>\$93,413</b>	<b>\$108,982</b>
<b>9</b>	<b>\$91,466</b>	<b>\$109,760</b>	<b>\$128,053</b>

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<b>POSITION TITLE</b>	<b>PAY GRADE</b>
<b>DEPARTMENT HEADS &amp; MANAGEMENT STAFF</b>	
<b>VACANT</b>	9
Assistant Town Administrator	8
Director of Facilities	
Library Director	
Building Commissioner	
IT Manager	
<b>Police Lieutenant</b>	
Town Accountant	
<b>Director, Council on Aging</b>	
<b>Conservation Agent</b>	7
Director, Youth & Family Services	
Director of Recreation	
Town Planner	
<b>SUPERVISORS &amp; TECHNICAL STAFF</b>	
Assistant Town Clerk	6
Assistant Director, Youth & Family Services	
Outreach Coordinator	
<b>Assistant Library Director</b>	
<b>Business Administrator II</b>	5
Children's Librarian	
Staff Engineer	
Executive Assistant to the Board of Selectmen	
Program Coordinator	
<b>Business Administrator I</b>	4
<b>Deputy Assessor</b>	
<b>Maintenance Technician</b>	
Assistant Treasurer/Collector	
Assistant Town Accountant	

<b>ADMINISTRATIVE &amp; SUPPORT STAFF</b>	
Administrative Assistant	3
Administrative Assistant II	
Senior Library Assistant	
Library Assistant	2
Maintenance Mechanic	
Maintenance Custodian	1

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\*Increases in salary rates exceeding the maximum will be considered on a case by case by the Personnel Board.

SCHEDULE B: [RESERVED FOR FUTURE USE]

SCHEDULE C: PART-TIME HOURLY GRADED POSITIONS

Seasonal Laborer .....	1
Electrician .....	2
Seasonal Laborer II.....	2
Election Worker (P.T.).....	3
Page, Library .....	3
Election Warden (P.T.).....	4
Substitute Custodian .....	5
Interim Public Safety Communications Officer .....	9
Part-Time Police Dispatcher .....	9
Administrative Assistant.....	10
Business Assistant/Library Associate.....	11
Reserve Police Officer .....	11
Technical Specialist .....	11
Economic Development Coordinator.....	12
Interim Police Officer (Reserve).....	12
Nurse.....	13
Electrician .....	13
Public Health Director.....	13

\*While serving as an Interim Police Officer (Reserve), an employee will fall under Grade 12. After the interim designation has ended, the employee will revert to the Grade 11 classification.

Hourly Rates for Part-Time Positions

Grade	Minimum	Midpoint	Maximum
1	Min wage*	Midpoint	\$10.00
2	\$8.34	\$10.35	\$12.35
3	\$8.84	\$10.91	\$12.98
4	\$9.26	\$11.52	\$13.78
5	\$9.71	\$12.10	\$14.49
6	\$10.25	\$12.74	\$15.22
7	\$10.73	\$13.34	\$15.95
8	\$11.26	\$14.02	\$16.77
9	\$11.82	\$14.72	\$17.62
10	\$12.54	\$15.60	\$18.66
11	\$13.87	\$19.44	\$25.00
12	\$21.00	\$27.50	\$34.00
13	\$29.00	\$35.00	\$41.00

RECLASSIFICATIONS/PROMOTIONS	PAY GRADE
Business Administrator II (Facilities)	5

\*Municipalities are subject to the federal minimum wage law, not the state law.

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SCHEDULE D: FIRE DEPT POSITIONS (not covered by Collective Bargaining Agreement)

<u>Grade</u>	<u>Proposed Pay Structure</u>	<u>Drills</u>	<u>Boxes</u>	<u>Signal</u>
1	Firefighter (Entry Level)	0.00	0.00	0.00
2	Firefighter I Certified	18.00	16.00	16.00
3	Firefighter I/II Certified	19.00	17.00	17.00
4	Firefighter I Certified/Operator	20.00	18.00	18.00
5	Firefighter I/II Certified/Operator	21.00	19.00	19.00
6	EMT (Entry Level)	0.00	0.00	0.00
7	EMT	18.00	16.00	16.00
8	EMT-I	20.00	18.00	18.00
9	Firefighter I Certified/EMT	20.00	18.00	18.00
10	Firefighter I/II Certified/EMT	21.00	19.00	19.00
11	Firefighter I Certified/Operator/EMT	22.00	20.00	20.00
12	Firefighter I/II Certified/Operator/EMT	23.00	21.00	21.00
13	Lieutenant	24.00	22.00	22.00
14	Lieutenant/EMT	26.00	24.00	24.00

Details. On any occasion that the Fire Chief determines that public safety is at risk (fire watches, pyrotechnic displays, pyrotechnic blasting for construction, etc.) and calls for a detail consisting of a Firefighter or Firefighters [not covered by any other collective bargaining agreement] to stand-by during any of these situations to monitor for fire, explosion, or any other possible hazard, the person or persons assigned to the detail will be compensated in the following manner:

**\$50.00 per hour**

**\$56.00 per hour/ for week-end or holiday**

SCHEDULE E: MISCELLANEOUS ANNUAL COMPENSATION SCHEDULE

Cemetery Agent .....	\$8,000
Clerk, Board of Registrars .....	\$1,638.33
Emergency Management Coordinator .....	\$2,000
Registrar of Voters .....	\$205.66
Town Counsel (not including fees) .....	\$1,704.33
Tree Warden .....	\$4,000
Veterans' Agent and Director of Veterans' Services .....	\$15,000

SCHEDULE F: FEE BASED COMPENSATION (Recreation Seasonal Personnel)

Assistant Instructor .....	3
Camp Counselor 1 .....	1
Camp Counselor 2 .....	2
Lifeguard .....	5
Coordinator .....	6
Instructor I .....	6
Monitors .....	6
Program Driver .....	6
Assistant Supervisor .....	9
Supervisor .....	11
Instructor II .....	12
Master Instructor .....	13
Seasonal Nurse .....	13

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Classification grade is reflective of “Hourly Rates for Part-Time Positions” in this plan.

SCHEDULE G: SPECIAL ADMINISTRATIVE AND SUPERVISORY POSITIONS

**Police Lieutenant:**

..... In addition to all the benefits provided employees under the SAP, he/she would be eligible for some additional benefits as provided members of Mass COP Local 167, the police union collective bargaining agreement.

As a result, a separate policy is adopted by the Southborough Board of Selectmen and enforced by the Southborough Police Department subject to change in conjunction with future collective bargaining agreements.

\*Increases in salary for long term employees will be considered case by case by Personnel Board.

**SCHEDULE H: LONGEVITY SCHEDULE:** Full-Time Employees of Town of Southborough –  
Compensated annually at Anniversary Date

After 5 years .....	\$400
After 10 years .....	\$600
After 15 years .....	\$700
After 20 years .....	\$850
After 25 years .....	\$1,000
After 30 years .....	\$1,200
After 40 years .....	\$1,500

, or do or act anything in relation thereto.

**Proposed by: PERSONNEL BOARD**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *The Personnel By-Law governs policies and pay structures for non-union employees. The changes are noted in **bold**.*

**MOTION MADE:** That the Town vote to approve changes to the Personnel Salary Administration Plan, as specified in Chapter 31 of the Code of the Town of Southborough, entitled: PERSONNEL, and insert in its place the changes as printed in the warrant. Changes are noted in **BOLD** in the warrant.

**MOTION PASSED.**

**ARTICLE 6:** To see if the Town will vote to transfer a sum of money between and among various accounts for the fiscal year ending June 30, 2018, or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation:** At Town Meeting

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *This article is intended to address any unexpected or unusual funding needs for the current fiscal year via transfers between accounts.*

**MOTION TO INDEFINITELY POSTPONE ARTICLE 6 PASSED.**

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**MOTION TO ADVANCE ARTICLE 8 AHEAD OF ARTICLE 7 PASSED.**

**ARTICLE 8:** To see if the Town will vote to raise and appropriate, or transfer from available funds a sum of money for General Government capital items for the following purposes:

	DESCRIPTION	REQUEST	LEVY	WATER AND OTHER FUNDS
A.	MIS – Private Fiber Line to Cordaville Road	\$ 30,000	\$ 30,000	
B.	MIS – Upgrade Library Phone System	\$ 8,000	\$ 8,000	
C.	Facilities – Replace Air Compressor Unit	\$ 12,500	\$ 12,500	
D.	Library – Engineering for Drainage/Waterproofing	\$ 15,000	\$ 15,000	
E.	Facilities – Town House ADA updates	\$ 25,000	\$ 25,000	
F.	DPW – Replace Transfer Station trailer	\$ 55,000	\$ 55,000	
G.	DPW – Sidewalk Plow/Snowblower/Sweeper	\$ 160,000	\$160,000	
H.	DPW – Replace Radio System	\$ 165,000	\$130,000	\$35,000
I.	Repaving of Town House Parking Lot	\$ 150,000	\$150,000	
J.	DPW – Road Maintenance	\$ 400,000	\$400,000	
K.	Emergency Management – Message Board	\$ 14,500		\$14,500

, or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:**

*A. There is currently a leased Fiber Optic service connecting these 2 buildings with data transfer speeds limited to 100Mbps. This service is provided at a cost of \$450 per month. By installing private fiber, the Town can realize faster connection speeds between the 2 buildings as well as reduce the monthly operating expenses;*

*B. This request will allow for the Library phone system to be upgraded and joined to the ShoreTel VoIP system currently utilized by all other departments. The existing phone system at the Library has just recently come out of warranty and inclusion in the ShoreTel system will allow for centralized management;*

*C. This will provide the funds needed to purchase a new air compressor and dryer unit to replace the existing 40+ year old air compressor unit which is used to power various pneumatic tools and devices at the Southborough DPW;*

*D. This will provide the funds needed for the purpose of identifying and evaluating corrective actions related to eliminating the ongoing issue of water infiltration in the lower level of the Southborough Library;*

*E. This will provide funds to address the service counters on the first floor of the Town House, which do not conform to ADA requirements. In order to be cost-effective, Facilities will work with the State Prison for the woodworking products, similar to those done for the furniture in the Meeting Room;*

*F. This provides funds to replace a 2004 trailer. The trailers are used to transport the solid waste collected at the Transfer Station to Wheelabrator in Millbury for disposal;*

*G. This vehicle is replacing the 1989 trackless machine. The vehicle being bought comes with a plow, snow blower and sidewalk sweeper attachments. The DPW already has a compatible mower attachment for machine. This purchase gives the DPW the additional ability to rent roadwork attachments such as asphalt planers, asphalt reclaimers and infrared systems;*

*H. The current DPW radios are low frequency. They are not compatible with Fire and Police systems and are no longer supported by our radio manufacturer. This article will replace all of the DPW radios, install a repeater and a base station at the DPW;*

*I. Funds will be used to regrade and pave the Town House parking lot to repair the septic system replacement areas and improve drainage in the lot and driveways;*

*J. This will provide funding for road and sidewalk repair and maintenance, to be used in conjunction with the annual allotment of Chapter 90 funding from the State;*

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*K. The current unit is over 10 years old, and is showing rust and corrosion from weather exposure. Many of the original components have been replaced over the past six years. It has been used by Emergency Management, on behalf of other Town departments, to display informational messages for Town events and weather emergencies.*

**MOTION MADE:** That the Town vote to raise and appropriate:

- \$30,000 for a private fiber line from the Town House to the Senior Center;
- \$8,000 to upgrade the Library phone system;
- \$12,500 to replace an air compressor unit at DPW;
- \$15,000 for engineering drainage issues at the Library;
- \$25,000 for ADA updates at the Town House;
- \$55,000 to replace a Transfer Station trailer for hauling refuse;
- \$160,000 for a Sidewalk Plow/Snow blower/Sweeper unit for DPW;
- \$130,000 to replace the DPW radio system;
- \$150,000 to repave the Town House parking lot;
- \$400,000 for DPW road maintenance.

And further, that the Town vote to transfer from the Ambulance Fund:

- \$14,500 for Emergency Management message board.

And further, that the town vote to transfer from the Water Fund:

- \$35,000 to replace the DPW radio system.

**MOTION PASSED.**

**ARTICLE 7:** To see if the Town will vote to raise a sum of money as may be necessary for the Town's use for Fiscal Year 2019, and make appropriations of the same, as detailed following, or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Summary:** *See attached budget report including Advisory Committee and Board of Selectmen's FY19 recommendations. If the Advisory Committee recommendation differs from that of the Board of Selectmen, it shall be noted in that departmental budget.*

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**100-199 GENERAL GOVERNMENT**

**110-119 Legislative**

BUDGETNAME	FY 2016 ACTUAL	FY 2017 ACTUAL	FY 2018 BUDGET	FY2019 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>114 MODERATOR</b>						
51000-51990 Personal Services	0	0	50	50	50	
52000-58990 Other Charges and Expenses	35	49	25	25	25	
MODERATOR TOTAL	35	49	75	75	75	0.00%

**120-129 Executive**

BUDGETNAME	FY 2016 ACTUAL	FY 2017 ACTUAL	FY 2018 BUDGET	FY2019 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>121 ELECTED BOARD OF SELECTMEN</b>						
51000-51990 Personal Services	4,000	3,800	4,000	4,000	4,000	
ELECTED BOARD OF SELECTMEN TOTAL	4,000	3,800	4,000	4,000	4,000	0.00%

BUDGETNAME	FY 2016 ACTUAL	FY 2017 ACTUAL	FY 2018 BUDGET	FY2019 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>122 BOARD OF SELECTMEN</b>						
51000-51990 Personal Services	319,606	359,128	372,778	375,079	375,079	
52000-58990 Other Charges and Expenses	58,694	66,313	55,433	59,444	59,444	
BOARD OF SELECTMEN TOTAL	378,300	425,441	428,211	434,523	434,523	1.5%

**130-149 Financial Administration**

BUDGETNAME	FY 2016 ACTUAL	FY 2017 ACTUAL	FY 2018 BUDGET	FY2019 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>131 ADVISORY COMMITTEE</b>						
52000-58990 Other Charges and Expenses	176	901	1,306	806	806	
ADVISORY COMMITTEE TOTAL	176	901	1,306	806	806	-38.3%

BUDGETNAME	FY 2016 ACTUAL	FY 2017 ACTUAL	FY 2018 BUDGET	FY2019 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>132 RESERVE FUND</b>						
52000-58990 Other Charges and Expenses	137,528	150,000	150,000	200,000	200,000	
RESERVE FUND TOTAL	137,528	150,000	150,000	200,000	200,000	33.3%

BUDGETNAME	FY 2016 ACTUAL	FY 2017 ACTUAL	FY 2018 BUDGET	FY2019 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>135 TOWN ACCOUNTANT</b>						
51000-51990 Personal Services	136,988	141,815	145,244	147,338	147,338	
52000-58990 Other Charges and Expenses	2,214	1,666	2,550	3,465	3,465	
TOWN ACCOUNTANT TOTAL	139,202	143,481	147,794	150,803	150,803	2.0%



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	FY 2016	FY 2017	FY 2018	FY2019	BOS/ADV	Percent
BUDGETNAME	ACTUAL	ACTUAL	BUDGET	REQUEST	RECOMM	Inc./Decr.
<b>136AUDIT</b>						
52000-58990 Other Charges and Expenses	30,850	24,700	32,550	26,140	26,140	
AUDIT TOTAL	30,850	24,700	32,550	26,140	26,140	-19.7%
	FY 2016	FY 2017	FY 2018	FY2019	BOS/ADV	Percent
BUDGETNAME	ACTUAL	ACTUAL	BUDGET	REQUEST	RECOMM	Inc./Decr.
<b>140ELECTEDBOARDOFASSESSORS</b>						
51000-51990 Personal Services	2,250	2,250	2,250	2,250	2,250	
ELECTEDBOARDOFASSESSORSTOTAL	2,250	2,250	2,250	2,250	2,250	0.0%
	FY 2016	FY 2017	FY 2018	FY2019	BOS/ADV	Percent
BUDGETNAME	ACTUAL	ACTUAL	BUDGET	REQUEST	RECOMM	Inc./Decr.
<b>141 ASSESSORS</b>						
51000-51990 Personal Services	153,504	160,652	165,051	171,013	171,013	
52000-58990 Other Charges and Expenses	48,118	31,635	33,640	34,150	34,150	
ASSESSORS TOTAL	201,622	192,287	198,691	205,163	205,163	3.3%
	FY 2016	FY 2017	FY 2018	FY2019	BOS/ADV	Percent
BUDGETNAME	ACTUAL	ACTUAL	BUDGET	REQUEST	RECOMM	Inc./Decr.
<b>145 TREASURER/COLLECTOR</b>						
51000-51990 Personal Services	182,852	191,797	198,717	204,697	204,697	
52000-58990 Other Charges and Expenses	15,739	20,734	12,415	12,550	12,550	
TREASURER/COLLECTOR TOTAL	198,591	212,531	211,132	217,247	217,247	2.9%
<b>150-159 Operations Support</b>						
	FY 2016	FY 2017	FY 2018	FY2019	BOS/ADV	Percent
BUDGETNAME	ACTUAL	ACTUAL	BUDGET	REQUEST	RECOMM	Inc./Decr.
<b>151LEGAL</b>						
52000-58990 Other Charges and Expenses	91,575	85,567	95,000	95,000	95,000	
LEGAL TOTAL	91,575	85,567	95,000	95,000	95,000	0.0%
	FY 2016	FY 2017	FY 2018	FY2019	BOS/ADV	Percent
BUDGETNAME	ACTUAL	ACTUAL	BUDGET	REQUEST	RECOMM	Inc./Decr.
<b>152 PERSONNEL BOARD</b>						
51000-51990 Personal Services	0	2,000	1,250	1,250	1,250	
52000-58990 Other Charges and Expenses	15,168	12,592	47,450	17,450	17,450	
PERSONNEL BOARD TOTAL	15,168	14,592	48,700	18,700	18,700	-61.6%
	FY 2016	FY 2017	FY 2018	FY2019	BOS/ADV	Percent
BUDGETNAME	ACTUAL	ACTUAL	BUDGET	REQUEST	RECOMM	Inc./Decr.
<b>153SPECIALLEGALCOUNSEL</b>						
52000-58990 Other Charges and Expenses	48,258	46,905	55,000	55,000	55,000	
SPECIALLEGALCOUNSELTOTAL	48,258	46,905	55,000	55,000	55,000	0.0%
	FY 2016	FY 2017	FY 2018	FY2019	BOS/ADV	Percent
BUDGETNAME	ACTUAL	ACTUAL	BUDGET	REQUEST	RECOMM	Inc./Decr.
<b>155 TECHNOLOGY</b>						
51000-51990 Personal Services	3,500	81,629	94,300	96,422	96,422	
52000-58990 Other Charges and Expenses	188,443	161,428	193,396	215,229	215,229	
MANAGEMENT INFORMATIONSYSTEMSTOTAL	191,943	243,057	287,696	311,651	311,651	8.3%

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BUDGETNAME	FY 2016 ACTUAL	FY 2017 ACTUAL	FY 2018 BUDGET	FY2019 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>159 OTHER OPERATION SUPPORT</b>						
52000-58990 Other Charges and Expenses	299,444	313,504	337,782	341,297	341,297	
OTHER OPERATION SUPPORT TOTAL	299,444	313,504	337,782	341,297	341,297	1.0%

*160-169 Licensing and Registration*

BUDGETNAME	FY 2016 ACTUAL	FY 2017 ACTUAL	FY 2018 BUDGET	FY2019 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>160 ELECTED TOWN CLERK</b>						
51000-51990 Personal Services	49,298	50,284	66,674	83,064	83,064	
TOWNCLERK TOTAL	49,298	50,284	66,674	83,064	83,064	24.6%

BUDGETNAME	FY 2016 ACTUAL	FY 2017 ACTUAL	FY 2018 BUDGET	FY2019 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>161 TOWN CLERK</b>						
51000-51990 Personal Services	111,177	129,310	117,240	126,269	126,269	
52000-58990 Other Charges and Expenses	24,046	78,725	85,731	82,450	82,450	
TOWNCLERK TOTAL	135,223	208,035	202,971	208,719	208,719	2.8%
<i>Town Clerk budget(161) &amp; Election &amp; Registration budget(162) are now combined into new Town Clerk budget(161)</i>						

*170-189 Land Use and Development*

BUDGETNAME	FY 2016 ACTUAL	FY 2017 ACTUAL	FY 2018 BUDGET	FY2019 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>171 CONSERVATION COMMISSION</b>						
51000-51990 Personal Services	42,568	49,915	51,159	58,567	58,567	
52000-58990 Other Charges and Expenses	6,041	9,910	13,225	14,525	14,525	
CONSERVATION COMMISSION TOTAL	48,609	59,825	64,384	73,092	73,092	13.5%

BUDGETNAME	FY 2016 ACTUAL	FY 2017 ACTUAL	FY 2018 BUDGET	FY2019 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>175 PLANNING BOARD</b>						
51000-51990 Personal Services	96,397	125,884	132,905	135,212	135,212	
52000-58990 Other Charges and Expenses	48,366	22,999	12,420	17,160	17,160	
PLANNING BOARD TOTAL	144,763	148,883	145,325	152,372	152,372	4.8%

BUDGETNAME	FY 2016 ACTUAL	FY 2017 ACTUAL	FY 2018 BUDGET	FY2019 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>176 ZONING BOARD OF APPEALS</b>						
51000-51990 Personal Services	11,591	4,699	45,500	46,919	46,919	
52000-58990 Other Charges and Expenses	3,027	3,114	3,650	3,650	3,650	
ZONING BOARD OF APPEALS TOTAL	14,618	7,813	49,150	50,569	50,569	2.9%

BUDGETNAME	FY 2016 ACTUAL	FY 2017 ACTUAL	FY 2018 BUDGET	FY2019 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>177 OPEN SPACE</b>						
52000-58990 Other Charges and Expenses	1,000	1,496	1,500	1,500	1,500	
OPEN SPACE TOTAL	1,000	1,496	1,500	1,500	1,500	0.27%

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BUDGETNAME	FY 2016 ACTUAL	FY 2017 ACTUAL	FY 2018 BUDGET	FY2019 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>182 ECONOMIC DEVELOPMENTCOMMITTEE</b>						
51000-51990 Personal Services	19,538	20,615	25,350	25,920	25,920	
52000-58990 Other Charges and Expenses	14,438	14,078	14,270	14,920	14,920	
ECONOMIC DEVELOPMENT COMMITTEE TOTAL	33,976	34,693	39,620	38,540	38,540	-2.7%

*190-199 Other*

BUDGETNAME	FY 2016 ACTUAL	FY 2017 ACTUAL	FY 2018 BUDGET	FY2019 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>192 PUBLIC BUILDINGS AND PROPERTIES MAINTENANCE</b>						
51000-51990 Personal Services	316,434	340,437	340,995	363,006	363,006	
52000-58990 Other Charges and Expenses	183,142	121,828	170,445	171,179	171,179	
PUBLIC BLDGS. & PROPERTY MAINT. TOTAL	499,576	462,265	511,440	534,185	534,185	4.4%

**200-299 PUBLIC SAFETY**

BUDGETNAME	FY 2016 ACTUAL	FY 2017 ACTUAL	FY 2018 BUDGET	FY2019 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>210 POLICE DEPARTMENT</b>						
51000-51990 Personal Services	1,604,430	1,735,763	1,877,970	1,987,666	1,987,666	
52000-58990 Other Charges and Expenses	111,018	125,797	120,436	129,085	129,085	
POLICE DEPARTMENT TOTAL	1,715,448	1,861,560	1,998,406	2,116,751	2,116,751	5.9%

BUDGETNAME	FY 2016 ACTUAL	FY 2017 ACTUAL	FY 2018 BUDGET	FY2019 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>220 FIRE DEPARTMENT</b>						
51000-51990 Personal Services	1,730,839	1,809,391	1,911,528	1,962,945	1,962,945	
52000-58990 Other Charges and Expenses	223,244	181,814	192,582	193,813	193,813	
FIRE DEPARTMENT TOTAL	1,954,083	1,991,205	2,104,110	2,156,758	2,156,758	2.5%

BUDGETNAME	FY 2016 ACTUAL	FY 2017 ACTUAL	FY 2018 BUDGET	FY2019 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>241 BUILDING DEPARTMENT</b>						
51000-51990 Personal Services	109,519	125,101	128,449	130,701	130,701	
52000-58990 Other Charges and Expenses	6,722	549	10,625	10,775	10,775	
BUILDING DEPARTMENT TOTAL	116,241	134,650	139,074	141,476	141,476	1.7%

BUDGETNAME	FY 2016 ACTUAL	FY 2017 ACTUAL	FY 2018 BUDGET	FY2019 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>291 CIVIL DEFENSE</b>						
51000-51990 Personal Services	2,926	2,926	2,926	3,926	3,926	
52000-58990 Other Charges and Expenses	6,023	6,066	6,464	6,464	6,464	
CIVIL DEFENSE TOTAL	8,949	8,992	9,390	10,390	10,390	10.6%

BUDGETNAME	FY 2016 ACTUAL	FY 2017 ACTUAL	FY 2018 BUDGET	FY2019 REQUEST	BOS RECOMM	Percent Inc./Decr.
<b>292 ANIMAL CONTROL OFFICER AND ANIMAL INSPECTOR</b>						
52000-58990 Other Charges and Expenses	27,869	27,650	28,212	28,212	28,212	
ANIMAL CONTROL OFF. & ANIMAL INSP. TOTAL	27,869	27,650	28,212	28,212	28,212	0.0%

### 400-499 PUBLIC WORKS & FACILITIES

BUDGETNAME	FY 2016 ACTUAL	FY 2017 ACTUAL	FY 2018 BUDGET	FY2019 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>400, 420 DEPT. OF PUBLIC WORKS</b> (Highway, Cemetery, Tree)						
51000-51990 Personal Services	780,780	836,795	911,751	949,190	949,190	
52000-58990 Other Charges and Expenses	1,218,446	1,334,939	1,216,650	1,253,350	1,253,350	
DEPT. OF PUBLIC WORKS TOTAL	1,999,226	2,171,734	2,128,221	2,202,540	2,202,540	3.5%

BUDGETNAME	FY 2016 ACTUAL	FY 2017 ACTUAL	FY 2018 BUDGET	FY2019 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>450 DEPT. OF PUBLIC WORKS - WATER</b>						
51000-51990 Personal Services	313,619	336,035	347,952	358,529	358,529	
52000-58990 Other Charges and Expenses	1,151,865	1,257,946	1,299,453	1,322,400	1,322,400	
DEPT. OF PUBLIC WORKS - WATER TOTAL	1,465,484	1,593,981	1,647,405	1,680,929	1,680,929	2.0%

### 500-599 HUMAN SERVICES

BUDGETNAME	FY 2016 ACTUAL	FY 2017 ACTUAL	FY 2018 BUDGET	FY2019 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>510 ELECTED BOARD OF HEALTH</b>						
51000-51990 Personal Services	300	300	450	450	450	
ELECTED BOARD OF HEALTH TOTAL	300	300	450	450	450	50.00%

BUDGETNAME	FY 2016 ACTUAL	FY 2017 ACTUAL	FY 2018 BUDGET	FY2019 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>512 BOARD OF HEALTH</b>						
51000-51990 Personal Services	100,742	102,078	104,222	106,944	106,944	
52000-58990 Other Charges and Expenses	47,122	48,997	52,756	55,939	55,939	
BOARD OF HEALTH TOTAL	147,864	151,075	156,978	162,883	162,883	3.8%

BUDGETNAME	FY 2016 ACTUAL	FY 2017 ACTUAL	FY 2018 BUDGET	FY2019 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>541 COUNCIL ON AGING</b>						
51000-51990 Personal Services	221,440	229,494	244,378	255,124	255,124	
52000-58990 Other Charges and Expenses	59,453	57,731	59,355	61,145	61,145	
COUNCIL ON AGING TOTAL	280,893	287,225	303,733	316,269	316,269	4.1%

BUDGETNAME	FY 2016 ACTUAL	FY 2017 ACTUAL	FY 2018 BUDGET	FY2019 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>542 YOUTH COMMISSION</b>						
51000-51990 Personal Services	131,231	126,908	133,654	140,661	140,661	
52000-58990 Other Charges and Expenses	10,077	15,077	13,300	10,800	10,800	
YOUTH COMMISSION TOTAL	141,308	141,985	146,954	151,461	151,461	3.1%

BUDGETNAME	FY 2016 ACTUAL	FY 2017 ACTUAL	FY 2018 BUDGET	FY2019 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>543 VETERANS' SERVICES</b>						
51000-51990 Personal Services	10,000	15,000	15,000	15,000	15,000	
52000-58990 Other Charges and Expenses	19,852	21,684	35,975	36,060	36,060	
VETERANS' SERVICES TOTAL	29,852	36,684	50,975	51,060	51,060	0.2%

### **600-699 CULTURE & RECREATION**

<b>BUDGETNAME</b>	<b>FY 2016 ACTUAL</b>	<b>FY 2017 ACTUAL</b>	<b>FY 2018 BUDGET</b>	<b>FY2019 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>610 LIBRARY</b>						
51000-51990 Personal Services	331,326	347,085	375,071	388,870	388,870	
52000-58990 Other Charges and Expenses	110,569	137,210	129,519	131,658	131,658	
<b>LIBRARY TOTAL</b>	<b>441,895</b>	<b>484,295</b>	<b>504,590</b>	<b>520,528</b>	<b>520,528</b>	<b>3.2%</b>
<b>BUDGETNAME</b>	<b>FY 2016 ACTUAL</b>	<b>FY 2017 ACTUAL</b>	<b>FY 2018 BUDGET</b>	<b>FY2019 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>630 RECREATION COMMISSION</b>						
51000-51990 Personal Services	117,400	121,122	122,306	128,510	128,510	
52000-58990 Other Charges and Expenses	171	9,368	9,900	9,900	9,900	
<b>RECREATION COMMISSION TOTAL</b>	<b>117,571</b>	<b>130,490</b>	<b>132,206</b>	<b>138,410</b>	<b>138,410</b>	<b>4.7%</b>
<b>BUDGETNAME</b>	<b>FY 2016 ACTUAL</b>	<b>FY 2017 ACTUAL</b>	<b>FY 2018 BUDGET</b>	<b>FY2019 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>691 HISTORICAL COMMISSION</b>						
52000-58990 Other Charges and Expenses	990	1,115	3,500	3,500	3,500	
<b>HISTORICAL COMMISSION TOTAL</b>	<b>990</b>	<b>1,115</b>	<b>3,500</b>	<b>3,500</b>	<b>3,500</b>	<b>0.0%</b>
<b>BUDGETNAME</b>	<b>FY 2016 ACTUAL</b>	<b>FY 2017 ACTUAL</b>	<b>FY 2018 BUDGET</b>	<b>FY2019 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>692 MEMORIAL DAY</b>						
52000-58990 Other Charges and Expenses	2,600	2,950	3,050	3,150	3,150	
<b>MEMORIAL DAY TOTAL</b>	<b>2,600</b>	<b>2,950</b>	<b>3,050</b>	<b>3,150</b>	<b>3,150</b>	<b>3.3%</b>

### **700-799 DEBT SERVICE**

<b>BUDGETNAME</b>	<b>FY 2016 ACTUAL</b>	<b>FY 2017 ACTUAL</b>	<b>FY 2018 BUDGET</b>	<b>FY2019 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>DEBT PRINCIPAL AND DEBT INTEREST</b>						
0100-710-59100 Principal General Fund	2,843,106	2,808,123	2,507,043	2,617,060	2,617,060	
6161-710-59100 Principal Water Fund	295,000	290,000	290,000	290,000	290,000	
0100-751-59150 Interest General Fund	487,447	400,367	318,557	595,715	595,715	
6161-751-59150 Interest Water Fund	126,142	121,429	114,622	107,604	107,604	
<b>DEBT PRINCIPAL AND DEBT INTEREST TOTAL</b>	<b>3,751,695</b>	<b>3,619,919</b>	<b>3,230,222</b>	<b>3,610,379</b>	<b>3,610,379</b>	<b>11.8%</b>

### **900-999 UNCLASSIFIED**

<b>BUDGETNAME</b>	<b>FY 2016 ACTUAL</b>	<b>FY 2017 ACTUAL</b>	<b>FY 2018 BUDGET</b>	<b>FY2019 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>910 EMPLOYEE BENEFITS</b>						
51700 Police/Fire Accident and Workers' Comp.	196,585	204,058	214,192	239,877	239,877	
51710 Unemployment Payments	17,590	3,261	35,000	27,500	27,500	
51720 Health Insurance	3,653,940	4,045,173	4,618,967	4,767,440	4,767,440	
51730 Retirement Fund	1,417,822	1,531,807	1,612,707	1,777,094	1,777,094	
51740 Life Insurance	4,914	5,437	5,205	5,090	5,090	
51750 Flexible Spending Account	0	0	6,025	6,025	6,025	
51770 Medicare	305,317	320,412	318,884	334,168	334,168	
51780 Dental Insurance	199,356	200,072	200,776	229,242	229,242	
51785 Medicare B Penalty	15,115	16,863	17,535	17,535	17,535	
59660 Transfer to OPEB Trust	250,000	250,000	250,000	250,000	250,000	
<b>EMPLOYEE BENEFITS TOTAL</b>	<b>6,060,639</b>	<b>6,577,083</b>	<b>7,279,291</b>	<b>7,653,971</b>	<b>7,653,971</b>	<b>5.1%</b>

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BUDGETNAME	FY 2016 ACTUAL	FY 2017 ACTUAL	FY 2018 BUDGET	FY2019 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>930 BUDGET CAPITAL</b>						
Police Cruisers - SUV (2)				45,075	45,075	
Police - Taser Annual Replacement Plan				1,440	1,440	
Ambulance A28/29				270,000	270,000	
MIS (Town) Permitting System				10,000	10,000	
52000-58990 Other Charges and Expenses	485,668	417,808	66,417	326,515	326,515	
BUDGET CAPITAL TOTAL	485,668	417,808	66,417	326,515	326,515	391.6%
BUDGETNAME	FY 2016 ACTUAL	FY 2017 ACTUAL	FY 2018 BUDGET	FY2019 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>941 COURT JUDGMENTS</b>						
57600 Court Judgments	213,831	215,948	220,000	220,000	220,000	
COURT JUDGMENTS TOTAL	213,831	215,948	220,000	220,000	220,000	0.0%
BUDGETNAME	FY 2016 ACTUAL	FY 2017 ACTUAL	FY 2018 BUDGET	FY2019 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>945 LIABILITY INSURANCE</b>						
52000-58990 Other Charges and Expenses	221,256	249,495	251,640	263,131	263,131	
LIABILITY INSURANCE TOTAL	221,256	249,495	251,640	263,131	263,131	4.6%

**300-399 EDUCATION**

BUDGETNAME	FY 2016 ACTUAL	FY 2017 ACTUAL	FY 2018 BUDGET	FY2019 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>300 ELECTED SCHOOL COMMITTEE</b>						
51000-51990 Personal Services	500	500	500	500	500	
ELECTED SCHOOL COMMITTEE TOTAL	500	500	500	500	500	0.00%
BUDGETNAME	FY 2016 ACTUAL	FY 2017 ACTUAL	FY 2018 BUDGET	FY2019 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>301 SOUTHBOROUGH SCHOOLS</b>						
<b>REGULAR DAY PROGRAMS</b>						
Administration	526,386	562,326	580,759	610,997	610,997	
Instruction	10,231,769	10,353,163	10,330,651	10,978,287	10,978,287	
Other Student Services	753,155	785,917	785,117	845,086	845,086	
Operation and Maintenance Buildings	1,547,376	1,695,499	1,706,742	1,691,826	1,691,826	
Fixed Charges	217	4,100	4,100	4,100	4,100	
Contractual Obligation	0	0	465,896	0	0	
REGULAR DAY PROGRAMS TOTAL	13,058,903	13,401,005	13,873,265	14,130,296	14,130,296	
<b>SPECIAL EDUCATION PROGRAMS</b>						
Administration	15,737	17,800	17,800	17,800	17,800	
Instruction	4,123,661	4,387,012	4,496,269	4,631,617	4,631,617	
Other Student Services	780,339	692,000	530,000	510,608	510,608	
Operation and Maintenance Buildings	9,900	7,000	7,000	4,500	4,500	
Programs, Other Systems in Massachusetts	868,708	831,046	788,924	1,111,165	1,111,165	
Programs, Member of Collaborative	49,447	66,000	68,000	0	0	
SPECIAL EDUCATION TOTAL	5,847,792	6,000,858	5,907,993	6,275,690	6,275,690	
<b>GRAND TOTAL OPERATING BUDGET</b>	<b>18,906,695</b>	<b>19,401,863</b>	<b>19,781,258</b>	<b>20,405,986</b>	<b>20,405,986</b>	<b>3.2%</b>

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BUDGETNAME	FY 2016 ACTUAL	FY 2017 ACTUAL	FY 2018 BUDGET	FY2019 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>302 ALGONQUIN REGIONAL HIGH SCHOOL</b>						
<b>REGULAR DAY PROGRAMS</b>						
Administration	594,430	615,887	628,305	663,443	663,443	
Instruction	10,044,358	10,600,887	10,582,115	11,509,251	11,509,251	
Other Student Services	1,766,428	1,889,703	1,902,072	2,003,707	2,003,707	
Operation and Maintenance Buildings	1,567,984	1,795,817	1,667,507	1,702,050	1,702,050	
Fixed Charges	3,142,115	3,390,748	3,686,120	3,620,778	3,620,778	
New Equipment	120,912	97,410	110,200	155,200	155,200	
Tuition, Other Public Schools	488,649	290,000	290,000	290,000	290,000	
Contractual Obligation	0	0	539,722	0	0	
REGULAR DAY PROGRAMS TOTAL	17,724,876	18,680,452	19,406,041	19,944,429	19,944,429	
<b>SPECIAL EDUCATION PROGRAMS</b>						
Administration	16,713	9,300	9,300	9,300	9,300	
Instruction	2,040,439	2,100,965	2,154,530	2,271,114	2,271,114	
Other Student Services	156,935	221,489	251,280	251,280	251,280	
Operation and Maintenance Buildings	1,107	2,000	2,000	2,000	2,000	
Fixed Charges	1,595	0	1,595	1,595	1,595	
Programs, Other Systems in Massachusetts	366,181	410,924	429,035	479,180	479,180	
Programs, Member of Collaborative	43,202	62,795	50,685	124,060	124,060	
SPECIAL EDUCATION TOTAL	2,626,172	2,807,473	2,898,425	3,138,529	3,138,529	
<b>GRAND TOTAL OPERATING BUDGET</b>	<b>20,351,048</b>	<b>21,487,925</b>	<b>22,304,466</b>	<b>23,082,958</b>	<b>23,082,958</b>	3.5%

	NON EXEMPT	EXEMPT	TOTAL	BOS/ADV RECOMM	Percent Inc./Decr.
<b>FY 2019 SOUTHBOROUGH ASSESSMENT</b>	<b>7,630,887</b>	<b>459,767</b>	<b>8,090,654</b>		2.4%

BUDGETNAME	FY 2016 ACTUAL	FY 2017 ACTUAL	FY 2018 BUDGET	FY2019 REQU ST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>304 ASSABET VALLEY REGIONAL TECH HIGH SCHOOL</b>						
Southborough Operating Assessment	201,183	279,270	296,635	329,255	329,255	
Renovation Project - Capital Assessment	3,967	50,794	39,981	38,417	38,417	
SOUTHBOROUGH ASSESSMENT	205,150	330,064	336,616	367,672	367,672	9.2%

BUDGETNAME	FY 2016 ACTUAL	FY 2017 ACTUAL	FY 2018 BUDGET	FY2019 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>305 NORFOLK COUNTY AGRICULTURAL HIGH SCHOOL</b>						
Tuition/Transportation Assessment	0	43,600	43,600	0	0	
NORFOLK COUNTY AGRICULTURAL HIGH SCHOOL	0	43,600	43,600	0	0	0.00%

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**MOTION MADE:** That the Town vote to raise a sum of money not to exceed the sum of \$ 53,828,271 as may be necessary for the Town's use, and make appropriations of the same:

Transfer from the Cemetery Perpetual care	\$15,000
Transfer from Free Cash	1,201,684
Transfer from Overlay Reserve	250,000
Transfer from Ambulance Fund (Receipts Reserved)	675,625
Transfer from Aerial Ladder Donation Fund	32,000
Transfer from Septic Betterment Fund	52,060
Transfer from Premiums Reserve	18
Transfer from Reserve SBAB Fund Balance	9,877
Transfer from Water Reserve	90,000
Transfer from Title V Loan Program Grant	41,756
Transfer from Title V Grant	4,265

and that the balance of \$ 51,455,986 be raised and appropriated.

**MOTION PASSED.**



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*(Article 8 was voted ahead of Article 7.)*

**ARTICLE 9:** To see if the Town will vote to raise and appropriate the sum of \$10,000 for the purpose of paying the Town's share of casualty and other losses incurred to Town property and equipment which are not covered by insurance policies, or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *This article will provide funds to be used to pay the deductible for property damage which is not covered by insurance.*

**MOTION MADE:** That the Town vote to raise and appropriate the sum of \$10,000 for the purpose of paying the Town's share of casualty and other losses incurred to Town property and equipment which are not covered by insurance policies.

**MOTION PASSED.**

**ARTICLE 10:** To see if the Town will vote to raise and appropriate or transfer from any available funds the sum of \$17,000 for the purpose of paying to retirees the amount due for accrued vacation and sick time, or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *This article will fund any vacation and sick pay due to employees upon their retirement.*

**MOTION MADE:** That the Town vote to raise and appropriate or transfer from any available funds the sum of \$17,000 for the purpose of paying to retirees the amount due for accrued vacation and sick time.

**MOTION PASSED.**

**ARTICLE 11:** To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$25,000 for the purpose of hiring consultants, engineers, water quality specialists, and/or environmental consultants by various Town departments, or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *This article allows town departments, with the approval of the Board of Selectmen, to hire outside expertise when the need arises. The 2015 article voted for the same purpose has been depleted.*

**MOTION MADE:** That the Town vote to raise and appropriate the sum of \$25,000 for the purpose of hiring consultants, engineers, water quality specialists, and/or environmental consultants by various Town departments.

**MOTION PASSED.**

**ARTICLE 12:** To see if the Town will vote to raise and appropriate, borrow and appropriate or transfer from available funds the sum of \$100,000 for the ongoing maintenance of capital equipment and systems associated with town buildings and facilities. The Town Facilities Manager shall recommend appropriate projects to the Town Administrator. The Town Administrator shall approve all expenditures under this article. The Town Facilities

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Manager shall report all funded projects to the Advisory Committee as requested, or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *This article will provide for the maintenance and repair of capital equipment and systems associated with the Town's buildings and facilities.*

**MOTION MADE:** That the Town vote to raise and appropriate the sum of \$100,000 for the ongoing maintenance of capital equipment and systems associated with town buildings and facilities. The Town Facilities Manager shall recommend appropriate projects to the Town Administrator. The Town Administrator shall approve all expenditures under this article. The Town Facilities Manager shall report all funded projects to the Advisory Committee as requested.

**MOTION PASSED.**

**ARTICLE 13:** To see if the Town will vote to authorize the Town Accountant to pay an outstanding invoice for \$1,050.00 to RKG Associates, Inc. for services performed under contract with the Planning Board in September, 2016, or do or act anything in relation thereto.

**Proposed by: PLANNING BOARD**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *This invoice was not submitted in time to have been paid by the end of Fiscal Year 2017, so it must be approved by a four-fifths vote at 2018 Town Meeting in accordance with M.G.L. Chapter 44, Section 64.*

**MOTION MADE:** That the Town vote to authorize the Town Accountant to pay an outstanding invoice from the FY2018 Planning Board budget for \$1,050.00 to RKG Associates, Inc. for services performed under contract with the Planning Board in September, 2016.

*(Town Counsel advised that approval of this article requires only a majority vote because the funds were available at the end of the fiscal year.)*

**MOTION PASSED.**

**MOTION TO ADVANCE ARTICLES 19 AND 20 IN FRONT OF ARTICLE 14 PASSED.**

**ARTICLE 19:** To see if the Town will vote to amend the General By-Laws of the Town by adding a new section to Chapter 16 entitled "Article IV, Departmental Revolving Funds", to establish and authorize revolving funds for use by certain town departments, boards, committees, agencies or officers under Massachusetts General Laws Chapter 44, § 53E½ as follows:

**ARTICLE IV  
DEPARTMENTAL REVOLVING FUNDS**

16-5 Purpose. This by-law establishes and authorizes revolving funds for use by town, departments, boards, committees, agencies and officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by General Laws Chapter 44, §53E ½.

16-6 Expenditure Limitations. A department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this by-law without appropriation subject to the following limitations:

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- A. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund;
- B. No liability shall be incurred in excess of the available balance of the fund;
- C. The total amount spent during a fiscal year shall not exceed the amount authorized by Annual Town Meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the Select board and Finance Committee.

16-7 Interest. Interest earned on monies credited to a revolving fund established by this by-law shall be credited to the general fund.

16-8 Procedures and Reports. Except as provided in General Laws Chapter 44, §53E ½ and this by-law, the laws, charter provisions, by-laws, rules, regulations, policies or procedures that govern the receipt and custody of town monies and the expenditure and payment of town funds shall apply to the use of a revolving fund established and authorized by this by-law. The Town Accountant shall include a statement on the collections credited to the fund, the encumbrances and expenditures charged to each fund and the balance available for expenditure in the regular report the Town Accountant provides the department, board, committee, agency or officer on appropriations made for its use.

16-9 Authorized Revolving Funds. The Table establishes:

- D. Each revolving fund authorized for use by a town department, board, committee, agency or officer;
- E. The department or agency head, board, committee or officer authorized to spend from each fund;
- F. The fees, charges and other monies charged and received by the department, board, committee, agency or officer in connection with the program or activity for which the fund is established that shall be credited to each fund by the Town Accountant;
- G. The expenses of the program or activity for which each fund may be used;
- H. Any restrictions or conditions on expenditures from each fund;
- I. Any reporting or other requirements that apply to each fund; and
- J. The fiscal years each fund shall operate under this by-law.

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A	B G	C	D	E	F	
Revolving Fund	Department, Board, Committee, Agency or Officer Authorized to Spend from Fund	Fees, Charges or Other Receipts Credited to Fund	Program or Activity Expenses Payable from Fund	Restrictions or Conditions on Expenses Payable from Fund	Other Requirements/ Reports	Fiscal Years
Immunization/ emergency dispensing clinic	Board of Health	Fees charged for Immunizations and other medications dispensed	Supplies and expenses needed to provide clinics and dispense medications	Salaries and wages of full time, part time employees and other designated BOH agents shall be paid from the annual budget appropriation of the Board of Health		Fiscal year 2019 and subsequent years
Inspectional Services	Building Commissioner	Fees charged by Sealer of Weights & Measures, Plumbing, Wiring, alternate inspectors including building for inspections	Salaries of inspectors performing weights and measure, plumbing, and wiring inspections related to those inspections	Salaries and wages of full time employees shall be paid from the annual budget appropriation of the Building Commissioner		Fiscal year 2019 and subsequent years
911 Field	Department of Public	Field usage charges and DCR	Supplies and expenses needed for	Salaries and wages of full time		Fiscal year
Maintenance	Works	annual fee	maintenance of field; debt service on field replacement	employees shall be paid from the annual budget appropriation of the Department of Public Works.		2019 and subsequent years
Wetland Protection	Conservation Commission	Wetland filing fees	Departmental and consultant costs for review of projects involving wetlands	Salaries and wages of full time employees shall be paid from the annual budget appropriation of the Conservation Commission.		Fiscal year 2019 and subsequent years
Hazardous Materials	Fire Department	Fees relating to hazardous materials incidents	Costs related to responding to hazardous materials incidents.	Salaries and wages of full time employees shall be paid from the annual budget appropriation of the Fire Department.		Fiscal year 2019 and subsequent years
CPR Classes	Fire Department	Fees for CPR classes	Supplies and expenses needed to run CPR classes	Salaries and wages of full time employees shall be paid from the annual budget appropriation of the Fire Department.		Fiscal year 2019 and subsequent years
Community Garden	Conservation Commission	Garden Rental Fees	Supplies and expenses for running Community Garden	Salaries and wages of full time employees shall be paid from the annual budget appropriation of the Conservation Commission.		Fiscal year 2019 and subsequent years
Recreation Programs	Recreation Commission	Fees charged for attending programs	Salaries and wages for part-time employees directly running programs; supplies and expenses needed to provide programs and upgrade facilities	Salaries and wages of full time employees shall be paid from the annual budget appropriation of the Recreation Commission.		Fiscal year 2019 and subsequent years
Tobacco Control Program	Board of Health	Fees from Tobacco Vendors	Supplies and expenses to provide periodic compliance checks and education of tobacco vendors	Salaries and wages of full time, part time employees and other designated BOH agents shall be paid from the annual budget appropriation of the Board of Health		Fiscal year 2019 and subsequent years

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, or do or act anything in relation thereto.

**Proposed by: BOARD OF HEALTH, BOARD OF SELECTMEN, RECREATION COMMISSION, AND CONSERVATION COMMISSION**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *In accordance with the Municipal Modernization Act this article creates a by-law authorizing the use of revolving funds. The purpose of the revolving funds is to pay for the costs of the programs through fees collected to support those programs.*

**MOTION MADE:** That the Town vote to amend the General By-Laws of the Town by adding a new section to Chapter 16 entitled “Article IV, Departmental Revolving Funds”, to establish and authorize revolving funds for use by certain town departments, boards, committees, agencies or officers under Massachusetts General Laws Chapter 44, § 53E½ as follows:

**ARTICLE IV  
DEPARTMENTAL REVOLVING FUNDS**

16-5 Purpose. This by-law establishes and authorizes revolving funds for use by town, departments, boards, committees, agencies and officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by General Laws Chapter 44, §53E ½.

16-6 Expenditure Limitations. A department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this by-law without appropriation subject to the following limitations:

- K. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund;
- L. No liability shall be incurred in excess of the available balance of the fund;
- M. The total amount spent during a fiscal year shall not exceed the amount authorized by Annual Town Meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the Select board and Finance Committee.

16-7 Interest. Interest earned on monies credited to a revolving fund established by this by-law shall be credited to the general fund.

16-8 Procedures and Reports. Except as provided in General Laws Chapter 44, §53E ½ and this by-law, the laws, charter provisions, by-laws, rules, regulations, policies or procedures that govern the receipt and custody of town monies and the expenditure and payment of town funds shall apply to the use of a revolving fund established and authorized by this by-law. The Town Accountant shall include a statement on the collections credited to the fund, the encumbrances and expenditures charged to each fund and the balance available for expenditure in the regular report the Town Accountant provides the department, board, committee, agency or officer on appropriations made for its use.

16-9 Authorized Revolving Funds. The Table establishes:

- N. Each revolving fund authorized for use by a town department, board, committee, agency or officer;
- O. The department or agency head, board, committee or officer authorized to spend from each fund;
- P. The fees, charges and other monies charged and received by the department, board, committee, agency or officer in connection with the program or activity for which the fund is established that shall be credited to each fund by the Town Accountant;
- Q. The expenses of the program or activity for which each fund may be used;
- R. Any restrictions or conditions on expenditures from each fund;
- S. Any reporting or other requirements that apply to each fund; and
- T. The fiscal years each fund shall operate under this by-law.

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A	B G	C	D	E	F	
Revolving Fund	Department, Board, Committee, Agency or Officer Authorized to Spend from Fund	Fees, Charges or Other Receipts Credited to Fund	Program or Activity Expenses Payable from Fund	Restrictions or Conditions on Expenses Payable from Fund	Other Requirements/ Reports	Fiscal Years
Immunization/emergency dispensing clinic	Board of Health	Fees charged for Immunizations and other medications dispensed	Supplies and expenses needed to provide clinics and dispense medications	Salaries and wages of full time, part time employees and other designated BOH agents shall be paid from the annual budget appropriation of the Board of Health		Fiscal year 2019 and subsequent years
Inspectional Services	Building Commissioner	Fees charged by Sealer of Weights & Measures, Plumbing, Wiring, alternate inspectors including building for inspections	Salaries of inspectors performing weights and measure, plumbing, and wiring inspections related to those inspections	Salaries and wages of full time employees shall be paid from the annual budget appropriation of the Building Commissioner		Fiscal year 2019 and subsequent years
911 Field	Department of Public	Field usage charges and DCR	Supplies and expenses needed for	Salaries and wages of full time		Fiscal year
Maintenance	Works	annual fee	maintenance of field; debt service on field replacement	employees shall be paid from the annual budget appropriation of the Department of Public Works.		2019 and subsequent years
Wetland Protection	Conservation Commission	Wetland filing fees	Departmental and consultant costs for review of projects involving wetlands	Salaries and wages of full time employees shall be paid from the annual budget appropriation of the Conservation Commission.		Fiscal year 2019 and subsequent years
Hazardous Materials	Fire Department	Fees relating to hazardous materials incidents	Costs related to responding to hazardous materials incidents.	Salaries and wages of full time employees shall be paid from the annual budget appropriation of the Fire Department.		Fiscal year 2019 and subsequent years
CPR Classes	Fire Department	Fees for CPR classes	Supplies and expenses needed to run CPR classes	Salaries and wages of full time employees shall be paid from the annual budget appropriation of the Fire Department.		Fiscal year 2019 and subsequent years
Community Garden	Conservation Commission	Garden Rental Fees	Supplies and expenses for running Community Garden	Salaries and wages of full time employees shall be paid from the annual budget appropriation of the Conservation Commission.		Fiscal year 2019 and subsequent years
Recreation Programs	Recreation Commission	Fees charged for attending programs	Salaries and wages for part-time employees directly running programs; supplies and expenses needed to provide programs and upgrade facilities	Salaries and wages of full time employees shall be paid from the annual budget appropriation of the Recreation Commission.		Fiscal year 2019 and subsequent years
Tobacco Control Program	Board of Health	Fees from Tobacco Vendors	Supplies and expenses to provide periodic compliance checks and education of tobacco vendors	Salaries and wages of full time, part time employees and other designated BOH agents shall be paid from the annual budget appropriation of the Board of Health		Fiscal year 2019 and subsequent years

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**MOTION PASSED.**

<b>ARTICLE APPROVED BY THE ATTORNEY GENERAL ON NOVEMBER 9, 2018.</b>
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**ARTICLE 20:** To see if the Town will vote pursuant to Massachusetts General Laws, Chapter 44 § 53E ½ to authorize the following spending limits for Fiscal Year 2019:

1.	Immunization/emergency dispensing clinic; \$12,000.
2.	Inspectional services; \$100,000.
3.	9-11 Field Maintenance; \$100,000.
4.	Wetland Protection; \$30,000.
5.	Hazardous materials; \$75,000.
6.	CPR classes; \$6,500.
7.	Community garden; \$2,500.
8.	Recreation programs; \$350,000.
9.	Tobacco Control Program; \$4,000.

, or do or act anything in relation thereto.

**Proposed by: BOARD OF HEALTH, BOARD OF SELECTMEN, RECREATION COMMISSION, AND CONSERVATION COMMISSION**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *This article approves the spending limits for revolving funds that are now authorized by Town by-law.*

**MOTION MADE:** That the Town vote pursuant to Massachusetts General Laws, Chapter 44 § 53E ½ to authorize the following spending limits for Fiscal Year 2019:

1. Immunization/emergency dispensing clinic; \$12,000;
2. Inspectional services; \$100,000;
3. 9-11 Field Maintenance; \$100,000;
4. Wetland Protection; \$30,000;
5. Hazardous materials; \$75,000;
6. CPR classes; \$6,500;
7. Community garden; \$2,500;
8. Recreation programs; \$350,000;
9. Tobacco Control Program; \$4,000.

**MOTION PASSED.**

**ARTICLE 14:** To see if the Town will vote to raise and appropriate, borrow and appropriate or transfer from available funds the sum of \$30,000 for a feasibility study for the Senior Center to renovate and expand existing bathroom facilities and meeting/program space, or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *This article will provide the funds needed for the purposes of site investigations, site plans, floor plans, exterior building elevations, preliminary designs, and the preparation of construction documents to be used in the examination of the feasibility of constructing additional bathrooms and a small meeting/recreational activity space at the Southborough Senior Center.*

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**MOTION MADE:** That the Town vote to raise and appropriate the sum of \$30,000 for a feasibility study for the Senior Center to renovate and expand existing bathroom facilities and meeting/program space.

**MOTION PASSED.**

**ARTICLE 15:** To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to fund necessary repairs and restoration to the St. Mark's Golf Course, as required by the Public Safety Facility construction in order to maintain continuity and playability of the course, or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *This article is necessary to fund golf course restoration and repair expenses, to ensure continuity of play during the construction of the Public Safety Facility.*

**MOTION MADE:** That the Town vote to borrow the sum of \$300,000 to fund necessary repairs and restoration to the Southborough Golf Club, as required by the Public Safety Facility construction, in order to maintain continuity and playability of the course.

**AMENDMENT MADE:** That the Town vote to reduce the sum from \$300,000 to \$250,000.

**AMENDMENT PASSED.**

**THE MODERATOR DECLARED THE MOTION AS AMENDED PASSED BY A 2/3 MAJORITY VOTE.**

**ARTICLE 16:** To see if the Town of Southborough will vote to raise and appropriate or borrow and appropriate a sum of money for capital repair/maintenance for the following:

	Description	Request
A	Depietri Field repairs	\$197,400
B	Kallander Field repairs	\$267,400
C	Trottier School track repairs	\$279,500
	<b>Total</b>	<b>\$744,300</b>

; or do or act anything in relation thereto.

**Proposed by: RECREATION COMMISSION**

**Board of Selectmen Recommendation:** At Town Meeting

**Advisory Committee Recommendation:** Support – A; At Town Meeting – B; Not Support – C

**Summary:** *This funding is needed to implement recommended repairs on recreational facilities as identified within the Facilities Master Study bringing the town's fields and track to an acceptable playing status. Lack of drainage on most fields including Depietri and Kallander and the inability to rest them has largely contributed to their current sub-optimal states. By completing these repairs, the town will be positioned to start the appropriate cycle of resting fields when needed and maintain their quality.*

A. *This will fund repairs to Depietri Field located in front of Neary School. Repairs include grading, sodding, and the installation of drainage and irrigation.*

B. *This will fund repairs to Kallander Field located on Kallander Drive off of Rt. 30. Repairs include grading, sodding, parking lot surfacing, drainage and irrigation improvements.*



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C. *The Trottier Track is heavily used by residents, schools and youth sports, and the surface continues to deteriorate. This will fund the replacement of the synthetic track surface.*

**MOTION MADE:** That the Town vote to borrow and appropriate the sum of \$744,300 for capital repair/maintenance for the following:

Description	Request
Depietri Field repairs	\$197,400
Kallander Field repairs	\$267,400
Trottier School track repairs	\$279,500
<b>Total</b>	<b>\$744,300</b>

**MOTION TO DIVIDE THE QUESTION INTO ARTICLES 16A, 16B, 16C PASSED.**

**16 A: Depietri Field repairs \$197,400**

**16 B: Kallander Field repairs \$267,400**

**16 C: Trottier School track repairs \$279,500**

**ARTICLE 16 A:**

**MOTION MADE:** That the Town vote to borrow and appropriate the sum of \$197,400 for capital repair/maintenance for Depietri Field repairs.

**AMENDMENT MADE:** To reduce the amount from \$197,400 to \$148,050.

**AMENDMENT FAILED.**

**THE MODERATOR DECLARED THE MOTION PASSED BY A 2/3 MAJORITY VOTE.**

**ARTICLE 16 B:**

**MOTION MADE:** That the Town vote to borrow and appropriate the sum of \$267,400 for capital repair/maintenance for Kallander Field repairs.

**MOTION TO INDEFINITELY POSPONE FAILED.**

**MOTION FAILED TO RECEIVE A 2/3 MAJORITY BY COUNTED VOTE: 126 IN FAVOR, 87 OPPOSED.**

**ARTICLE 16 C:**

**MOTION MADE:** That the Town vote to borrow and appropriate the sum of \$279,500 for capital repair/maintenance for Trottier School track repairs.

**THE MODERATOR DECLARED THE MOTION PASSED BY A 2/3 MAJORITY VOTE.**

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**ARTICLE 17:** To see if the Town of Southborough will vote to raise and appropriate or borrow and appropriate a sum of money for the following purpose:

	Description	Request
A	Neary turf field, design, permits	\$200,000

; or do or act anything in relation thereto.

**Proposed by: RECREATION COMMISSION**

**Board of Selectmen Recommendation:** At Town Meeting

**Advisory Committee Recommendation:** Not Support

**Summary:** *This will fund design work and permits for the installation of a synthetic turf field on town-owned property located at Neary School. The turf could be used for multiple purposes including a full size baseball and soccer field increasing field availability, and supporting the town's ability to move to an appropriate cycle of resting fields. This article allows the Recreation Commission to begin the planning process with design, permitting fees and validation of total project cost.*

**MOTION MADE:** That the Town vote to borrow and appropriate the sum of \$200,000 for the following purpose:

	Description	Request
A	Neary turf field, design, permits	\$200,000

**THE MODERATOR DECLARED THE MOTION FAILED TO RECEIVE A 2/3 MAJORITY VOTE.**

**ARTICLE 18:** To see if the Town of Southborough will vote to raise and appropriate or borrow and appropriate a sum of money for the following purpose:

	Description	Request
E	Lundblad Field design & specialty consultant	\$75,000

; or do or act anything in relation thereto.

**Proposed by: RECREATION COMMISSION**

**Board of Selectmen Recommendation:** At Town Meeting

**Advisory Committee Recommendation:** Not Support

**Summary:** *Lundblad Fields located on Parkerville Road in front of Neary School offers a large space that can support multiple fields. As Lundblad is built over a former landfill, specialized consultation is needed prior to moving forward with the field repair projects recommended in the Facilities Master Study. This will fund research and design work including investigation of the membrane and other aspects of the property.*

**MOTION MADE:** That the Town vote to borrow and appropriate the sum of \$75,000 for the following purpose:

	Description	Request
A	Lundblad Field design & specialty consultant	\$75,000

**MOTION PASSED BY A 2/3 MAJORITY BY COUNTED VOTE: 144 IN FAVOR, 67 OPPOSED.**

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*(Article 19 was voted ahead of Article 14.)*

*(Article 20 was voted ahead of Article 14.)*

**ARTICLE 21:** To see if the Town will vote to accept a Deed of Conveyance in lieu of tax foreclosure from Robert J. Depietri, Jr. (Southborough Realty Trust II), Owners of certain parcels of land located at 0 Kimberly Lane, Assessor's Map 9 Lot 16 and Map 9 Lot 34 pursuant to the authority of Massachusetts General Laws, Chapter 60, Section 77C. Being the same premises referred to in a Deed recorded on May 21, 1993 in the Worcester Registry of Deeds, Book 15201, Page 248. Said parcels containing 1.97 acres and 1.34 respectively more or less, or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *This article authorizes the Town to accept a deed in lieu of tax foreclosure. State law allows municipalities to accept deeds in lieu of foreclosure due to the expense and time required to file formal tax foreclosures thru Land Court. These two parcels are open space and non-buildable lots that have had a tax lien on them since 2001. The owner is voluntarily conveying these parcels which is a requirement per State law.*

**MOTION TO INDEFINITELY POSTPONE ARTICLE 21 PASSED.**

**MOTION TO ADVANCE ARTICLES 33 AND 34 AHEAD OF ARTICLE 22 PASSED.**

**ARTICLE 33:** To see if the Town will vote to amend the provisions of the Southborough Code, Chapter 41 entitled "Town Meeting", Section 41-18 thereof, by striking the Section in its entirety and inserting in place thereof the following text:

"Once a motion on a warrant article has passed by the required quantum of vote at either a Special Town Meeting or the Annual Town Meeting reconsideration of the Warrant Article is prohibited at the meeting", or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation:** At Town Meeting

**Advisory Committee Recommendation:** Not Support

**Summary:** *This article eliminates the ability to reconsider an article at Town Meeting, once the article has been properly disposed of by Town Meeting.*

**MOTION TO INDEFINITELY POSTPONE ARTICLE 33 PASSED.**

**ARTICLE 34:** To see if the Town will vote to amend the provisions of the Southborough Code Chapter 41 entitled "Town Meeting", Section 41-18 thereof by striking the section in its entirety and inserting in place thereof the following text:

"A motion to reconsider a vote of the Town Meeting is in order and shall be entertained when moved by a person who voted on the prevailing side of the original vote on the warrant article. Any such vote of the Town Meeting shall be reconsidered only by a two-thirds (2/3) vote. Any such vote on a warrant article may be reconsidered and defeated only once.

Further, at least one new warrant article must be considered following the disposition of the warrant article brought forth for reconsideration unless it is the last article at the Town meeting."

, or do or act anything in relation thereto.

Town of Southborough  
ANNUAL TOWN MEETING  
April 9, 2018

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation:** At Town Meeting

**Advisory Committee Recommendation:** Support

**Summary:** *This by-law change clarifies a reconsideration of vote procedure at the Town Meeting.*

**MOTION TO INDEFINITELY POSTPONE ARTICLE 34 PASSED.**

**MOTION TO ADVANCE ARTICLE 36 AHEAD OF ARTICLE 22 PASSED.**

**ARTICLE 36:** To see if the Town will vote to authorize the Northborough-Southborough Regional School District to establish a Stabilization Fund according to Chapter 71 Section 16G 1/2 for the purposes of funding capital items as identified in the Northborough-Southborough Regional School District Capitol Plan, or do or say anything in relation thereto.

**Proposed by: REGIONAL SCHOOL COMMITTEE**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *In recent conversations with bond rating agencies, it was noted that a stabilization fund should be set up by the Regional School District in order to address future capital needs. Having these types of accounts and associated financial policies reflects well on the District when going out to bond for large capital projects, and may lead to a higher bond rating, which ultimately reduces the cost of interest in a bond issuance.*

**MOTION MADE:** That the Town vote to authorize the Northborough-Southborough Regional School District to establish a Stabilization Fund according to Chapter 71 Section 16G 1/2 for the purposes of funding capital items as identified in the Northborough-Southborough Regional School District Capitol Plan

**MOTION FAILED.**

**MOTION TO ADJOURN THE ANNUAL TOWN MEETING AND RECONVENE AT 7:30 PM ON APRIL 10, 2018 PASSED.**

Town of Southborough  
ADJOURNED ANNUAL MEETING  
April 10, 2018

**A**t the Adjourned Annual Town Meeting duly called and held in the P. Brent Trottier Middle School, Southborough, on Wednesday, April 10, 2018 at 7:30PM the following ARTICLES were voted on in a legal manner. There was a quorum present (100 Voters = quorum); 138 voters were present.

**The Moderator Paul M. Cimino called the meeting to order at 7:40 PM.**

**MOTION TO WAIVE THE READING OF THE WARRANT PASSED.**

**ARTICLE 22:** To see if the Town will accept the provisions of Massachusetts General Laws, Chapter 59, Section 5, Clause 41D, which authorizes an annual increase in the income (gross receipts) and asset (whole estate) limits for exemptions granted to senior citizens under General Laws Chapter 59, Section 5, Clause 41C, by the percentage increase in the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index for the previous year as determined by the Commissioner of Revenue, to be effective for exemptions granted for any fiscal year beginning on or after, July 1, 2018, or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *This updates the senior exemption, Clause 41C, adopted at the October 2002 Town Meeting by applying a COLA adjustment to the annual income and asset limits that are used to determine eligibility. Currently, the income limits are \$20,000 if single, \$30,000 if married, and the asset limits are \$40,000 if single, and \$55,000 if married, with no inflationary factor applied to either.*

**MOTION MADE:** That the Town vote to accept the provisions of Massachusetts General Laws, Chapter 59, Section 5, Clause 41D, which authorizes an annual increase in the income (gross receipts) and asset (whole estate) limits for exemptions granted to senior citizens under General Laws Chapter 59, Section 5, Clause 41C, by the percentage increase in the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index for the previous year as determined by the Commissioner of Revenue, to be effective for exemptions granted for any fiscal year beginning on or after, July 1, 2018.

**MOTION PASSED.**

**MOTION TO ADVANCE ARTICLES 31, 32, 35 BEFORE ARTICLE 23 PASSED.**

**ARTICLE 31:** To see if the Town will vote (i) to accept as a public way the relocated and altered layout of Washington Street in Southborough, and (ii) to accept as a public way a portion of Coslin Drive in Southborough, both of which are more particularly shown on a plan entitled "Washington Street Discontinuation and Relocation Plan of Land in Southborough, MA prepared for Dell, EMC" dated February 2, 2018 and prepared by Beals and Thomas, Inc., and a plan entitled "Coslin Drive Acceptance Plan of Land in Southborough, MA prepared for Dell, EMC" dated December 29, 2017 and prepared by Beals and Thomas, Inc., copies of which are on file with the Town Clerk, and to authorize the Board of Selectmen to acquire for public way purposes, by purchase, gift and/or eminent domain, the fee to and/or easements in the parcels of land included within said altered layout of Washington Street and such portion of Coslin Drive, all as shown on said plans, but excluding any access, drainage, utility or other easements serving abutting properties, and further to transfer the care, custody and control of the parcels of land outside the altered layout and hereby discontinued from the Board of Selectmen for public way purposes to the Board of Selectmen for the purposes of conveyance, and to authorize the Board of Selectmen to discontinue, release or convey all of the Town's right, title and interest in the discontinued portions of Washington Street shown on such plan on such terms and conditions, and for such consideration, which may be nominal consideration, as the Board of Selectmen deems appropriate, or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

Town of Southborough  
ADJOURNED ANNUAL MEETING  
April 10, 2018

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *This action is required to make the “new” location of Washington Street and a portion of Coslin Drive in Southborough public ways, and to discontinue the former locations of Washington Street as shown on the plans on file with the Town Clerk. The new location of Washington Street and the portion of Coslin Drive to be accepted as public ways have been constructed and completed by EMC Corporation in accordance with subdivision plans approved by the Planning Board in 2008. This configuration routes Washington Street into Coslin Drive in Southborough. The motion for this article requires 2/3 majority vote.*

**MOTION MADE:** That the Town vote (i) to accept as a public way the relocated and altered layout of Washington Street in Southborough, and (ii) to accept as a public way a portion of Coslin Drive in Southborough, both of which are more particularly shown on a plan entitled “Washington Street Discontinuation and Relocation Plan of Land in Southborough, MA prepared for Dell, EMC” dated February 2, 2018 and prepared by Beals and Thomas, Inc., and a plan entitled “Coslin Drive Acceptance Plan of Land in Southborough, MA prepared for Dell, EMC” dated December 29, 2017 and prepared by Beals and Thomas, Inc., copies of which are on file with the Town Clerk, and to authorize the Board of Selectmen to acquire for public way purposes, by purchase, gift and/or eminent domain, the fee to and/or easements in the parcels of land included within said altered layout of Washington Street and such portion of Coslin Drive, all as shown on said plans, but excluding any access, drainage, utility or other easements serving abutting properties, and further to transfer the care, custody and control of the parcels of land outside the altered layout and hereby discontinued from the Board of Selectmen for public way purposes to the Board of Selectmen for the purposes of conveyance, and to authorize the Board of Selectmen to discontinue, release or convey all of the Town’s right, title and interest in the discontinued portions of Washington Street shown on such plan on such terms and conditions, and for such consideration, which may be nominal consideration, as the Board of Selectmen deems appropriate.

**THE MODERATOR DECLARED THE MOTION PASSED BY A 2/3 MAJORITY VOTE.**

**ARTICLE 32:** To see if the Town will vote to amend the zoning by-laws of the Southborough Code Chapter 174 entitled “Zoning” by striking therefrom in Section 174-10(G) in its entirety which specifies:

“any person aggrieved by the action of the Planning Board on a site plan approval application may appeal said action to the Zoning Board of Appeals as provided in Article VI hereof,”

, or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation:** At Town Meeting

**Advisory Committee Recommendation:** Not Support

**Summary:** *This article deletes inter-agency appeal of a Planning Board decision on site plan review by the Zoning Board of Appeals. This process is contrary to the standard for judicial review which is the norm under zoning appeals.*

**MOTION MADE:** That the Town vote to amend the zoning by-laws of the Southborough Code Chapter 174 entitled “Zoning” by striking therefrom in Section 174-10(G) in its entirety which specifies:

“any person aggrieved by the action of the Planning Board on a site plan approval application may appeal said action to the Zoning Board of Appeals as provided in Article VI hereof,”

**AMMENDMENT MADE:** That the town vote to amend the zoning by-laws of the Southborough Code Chapter 174 entitled “Zoning” by striking Section 174-10(G) and replacing it with the following:

Any person aggrieved by the action of the Planning Board on a site plan approval application may appeal said action to a court of competent jurisdiction in accordance with Mass. Gen. Laws c. 40A, § 17.

**AMENDMENT PASSED.**

Town of Southborough  
ADJOURNED ANNUAL MEETING  
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**MOTION AS AMENDED FAILED TO RECEIVE A 2/3 MAJORITY BY COUNTED VOTE:  
72 IN FAVOR, 40 OPPOSED.**

**ARTICLE 35:** To see if the Town will vote to amend Chapter 41, Section 6 of the Code of the Town of Southborough, Massachusetts, by inserting the following text as subsection C:

C. The Moderator may select any two or more warrant articles to create one or more groups of so-called “consent” articles. For each such group of “consent” articles, the Moderator shall ask the voters at the Town Meeting, article by article, if any Town Meeting member wishes to “hold” a particular article, and any such “held” article shall be removed from the group of “consent” articles. For the remaining “consent” articles in the group that have not had a request to be “held”, the Moderator may ask for a single vote of the Town Meeting for the entire group of the remaining “consent” articles, and such single vote shall have the same effect as an individual vote (to either approve or disapprove) each of the non-“held” “consent” articles in the group.

, or do or say anything in relation thereto.

**Proposed by: ADVISORY COMMITTEE**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *This bylaw change provides the Moderator with the option to group certain warrant articles at a Town Meeting for a single vote for the entire group of articles. The intent of this bylaw change is to allow the Moderator to expedite the Town Meeting voting process for warrant articles that do not require presentation or discussion.*

**MOTION MADE:** That the Town vote to amend Chapter 41, Section 6 of the Code of the Town of Southborough, Massachusetts, by inserting the following text as subsection C:

C. The Moderator may select any two or more warrant articles to create one or more groups of so-called “consent” articles. For each such group of “consent” articles, the Moderator shall ask the voters at the Town Meeting, article by article, if any Town Meeting member wishes to “hold” a particular article, and any such “held” article shall be removed from the group of “consent” articles. For the remaining “consent” articles in the group that have not had a request to be “held”, the Moderator may ask for a single vote of the Town Meeting for the entire group of the remaining “consent” articles, and such single vote shall have the same effect as an individual vote (to either approve or disapprove) each of the non-“held” “consent” articles in the group.

**MOTION PASSED.**

<b>ARTICLE APPROVED BY THE ATTORNEY GENERAL ON NOVEMBER 9, 2018.</b>
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**ARTICLE 23:** To see if the Town will vote to accept the report of the Community Preservation Committee for the FY 2019 Community Preservation Projected Receipts and act upon the recommendations of the Community Preservation Committee and to set aside for later expenditure, certain sums of money from the Community Preservation Fund established pursuant to Chapter 44B of the General Laws, as follows:

Estimated Surcharge Receipts (based on Town Treasurer’s projections):	\$338,000
State Match (projected State match).....	\$42,791
Total Projected Revenue.....	\$380,791

**Set Aside- Open Space**

\$ 38,079 to be set aside, held in the Community Preservation Fund, and spent in FY2018 or later years for acquisition, creation or preservation of open space, and for the rehabilitation and/or restoration of open space acquired under the Community Preservation Act.

Town of Southborough  
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**Set Aside – Historic Preservation**

\$ 38,079 to be set aside, held in the Community Preservation Fund, and spent in FY2018 or later years for the acquisition, preservation, rehabilitation and restoration of historic resources.

**Set Aside – Community Housing**

\$ 38,079 to be set aside, held in the Community Preservation Fund, and spent in FY2018 or later years for the creation, preservation and support of community housing, and for the rehabilitation and/or restoration of community housing acquired under the Community Preservation Act.

**Administrative Costs – Community Preservation Committee**

\$ 19,040 to defray the administrative and operating expenses of the Community Preservation Committee in FY2018 for the Community Preservation Fund

**Set Aside – Budgeted Reserve/Discretionary**

Reserved For FY19            CPF (Budgeted Reserve/Discretionary)            \$ 247,514

**Proposed by: COMMUNITY PRESERVATION COMMITTEE**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *These set asides are an annual requirement under the Community Preservation Act.*

**MOTION MADE:** That the Town vote to accept the report of the Community Preservation Committee for the FY 2019 Community Preservation Projected Receipts and act upon the recommendations of the Community Preservation Committee and to set aside for later expenditure, certain sums of money from the Community Preservation Fund established pursuant to Chapter 44B of the General Laws, as printed in the warrant.

**MOTION PASSED.**

**ARTICLE 24:** To see if the Town will vote to appropriate \$109,072 from the CPA Historic Preservation Reserve Fund to be applied towards the bond for the Perpetual Preservation Restriction on 84 Main Street also known as the Burnett House for the purpose of Historic Preservation. The FY18 short-term interest debt payment is \$19,347, and the FY19 debt payment including principal is \$89,725, for a total of \$109,072. Said funds to be expended under the direction of the Community Preservation Committee and the Town Treasurer; or take any other action thereto.

**Proposed by: COMMUNITY PRESERVATION COMMITTEE**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *This article is the Community Preservation Fund payment towards the FY18 and FY19 debt funding for the Preservation Restriction of 84 Main Street.*

**MOTION MADE:** That the Town vote to appropriate \$109,072 from the CPA Historic Preservation Reserve Fund to be applied towards the bond for the Perpetual Preservation Restriction on 84 Main Street also known as the Burnett House for the purpose of Historic Preservation. The FY18 short-term interest debt payment is \$19,347, and the FY19 debt payment including principal is \$89,725, for a total of \$109,072. Said funds to be expended under the direction of the Community Preservation Committee and the Town Treasurer.

**MOTION PASSED.**



Town of Southborough  
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**ARTICLE 25:** To see if the Town will vote to appropriate \$ \$26,450 from the CPA Historic Preservation Reserve Fund with \$23,000.00 for the restoration of the Old Burial Ground as requested by the Southborough Historical Commission and an additional \$3,450.00 contingency. Contingency funds only available after approval of the CPC for unexpected costs unforeseen at time of application. Project proposed by the Southborough Historical Commission. Said funds to be expended under the direction of the Community Preservation Committee and the Town Treasurer, or take any other action thereto.

**Proposed by: COMMUNITY PRESERVATION COMMITTEE**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *This article would fund the historic preservation of gravestones and monuments in the historic Old Burial Ground of Southborough. Proposed by the Southborough Historical Commission, this grant request would be used to hire a conservator to undertake restoration work at the Old Burial Ground. The Old Burial Ground (1730-1898) is one of the earliest enterprises by the newly incorporated Town of Southborough, and forms a significant part of Southborough's institutional focus at the heart of the town center. Once the restoration has been completed, any future damage to stones and memorials, and including trees will be covered by the DPW budget. This project will be overseen by the Southborough Historical Commission.*

**MOTION MADE:** That the Town vote to appropriate \$ \$26,450 from the CPA Historic Preservation Reserve Fund with \$23,000.00 for the restoration of the Old Burial Ground as requested by the Southborough Historical Commission and an additional \$3,450.00 contingency. Contingency funds only available after approval of the CPC for unexpected costs unforeseen at time of application. Project proposed by the Southborough Historical Commission. Said funds to be expended under the direction of the Community Preservation Committee and the Town Treasurer.

**MOTION PASSED.**

**ARTICLE 26:** To see if the Town will vote to appropriate \$32,530.00 from the CPA Historic Preservation Reserve Fund for the Southborough Library Façade Restoration Project, as requested by the Southborough Library Trustees. Said funds to be expended under the direction of the Community Preservation Committee and the Town Treasurer, or take any other action thereto.

**Proposed by: COMMUNITY PRESERVATION COMMITTEE**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *This article will provide for a building and site related assessment to preserve the Southborough Public Library, an historic structure that is one of the oldest and most used municipal buildings in Southborough. The study will result in a conditions assessment and prioritized list of treatment recommendations to guide that effort. All of the recommended work will comply with the building and Architectural Access Board codes as applicable, the historic district review requirements, and The Secretary of the Interior's Standards for the Treatment of Historic Properties. This project will be overseen by the Southborough Library Trustees.*

**MOTION MADE:** That the Town vote to appropriate \$32,530.00 from the CPA Historic Preservation Reserve Fund for the Southborough Library Façade Restoration Project, as requested by the Southborough Library Trustees. Said funds to be expended under the direction of the Community Preservation Committee and the Town Treasurer.

**MOTION PASSED.**

**ARTICLE 27:** To see if the Town will vote to borrow and appropriate the sums of \$50,000.00 in legal and acquisition costs and \$125,000.00 in land purchase expense for a total appropriation of \$175,000.00 to enable the Town of Southborough to acquire a parcel of land located off of Rock Point Road, designated 0 Rock Point Road, for conservation purposes, pursuant to Massachusetts General Laws c.44B, as amended, the Community Preservation Act consisting of 30.67 acres ± of open space owned by the Trustees of the Halloran Children's Trust, title reference the

Town of Southborough  
ADJOURNED ANNUAL MEETING  
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Worcester Registry of Deeds Book 43620, Page 250 and being Parcel 2 on a plan at Plan Book 850, Plan 58 in said Registry, subject to and with the benefit of any easements or rights that may exist of record. Said land to be under the care, custody and control of the Conservation Commission for the purpose of conservation and passive recreation, and to effect this appropriation that the Town Treasurer, with the approval of the Board of Selectmen, be authorized to borrow the sum of up to \$175,000.00 for five (5) years, excluding the term of any temporary loans issued in anticipation thereof, as authorized under the Community Preservation Program pursuant to Massachusetts General Laws c.44B, §11, as amended and to further authorize the Conservation Commission, the Board of Selectmen and/or a qualified Land Trust to submit on behalf of the Town any and all applications deemed necessary for grants and/or reimbursements from the Commonwealth of Massachusetts or the United States under the Self Help Act (Massachusetts General Laws c.132A §11, as amended) and/or any other state or federal programs including those in aid of conservation land acquisition; and/or any others in any way connected with the scope of this article. Said gifts or grants to be deposited in the Open Space Reserve Community Preservation Fund and that the Board of Selectmen be authorized to grant a perpetual Conservation Restriction in said parcel of land in conformance with the requirements of Massachusetts General Laws c.44B, §12 and c.184, §31-33 as amended and to enter into all agreements and execute any and all instruments as may be necessary to effect said purchase. Said funds to be expended under the direction of the Community Preservation Committee and the Town Treasurer or do or act anything in relation thereto.

**Proposed by: COMMUNITY PRESERVATION COMMITTEE**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *Project proponents are the Board of Selectmen; this article will allow the town to purchase over 30 acres of land identified as a top priority parcel in our Open Space and Recreation Plan, and designated as a highest priority for wildlife habitat protection in the survey done by Mass Audubon, while providing passive recreation opportunities on the existing system of trails traversing the beautiful woodlands. Using the best estimate available, it will provide funds to cover legal and acquisition costs as required by CPA legislation.*

**MOTION MADE:** That the Town vote to borrow and appropriate the sums of \$50,000.00 in legal and acquisition costs and \$125,000.00 in land purchase expense for a total appropriation of \$175,000.00 to enable the Town of Southborough to acquire a parcel of land located off of Rock Point Road, designated 0 Rock Point Road, for conservation purposes, pursuant to Massachusetts General Laws c.44B, as amended, the Community Preservation Act consisting of 30.67 acres ± of open space owned by the Trustees of the Halloran Children's Trust, title reference the Worcester Registry of Deeds Book 43620, Page 250 and being Parcel 2 on a plan at Plan Book 850, Plan 58 in said Registry, subject to and with the benefit of any easements or rights that may exist of record. Said land to be under the care, custody and control of the Conservation Commission for the purpose of conservation and passive recreation, and to effect this appropriation that the Town Treasurer, with the approval of the Board of Selectmen, be authorized to borrow the sum of up to \$175,000.00 for five (5) years, excluding the term of any temporary loans issued in anticipation thereof, as authorized under the Community Preservation Program pursuant to Massachusetts General Laws c.44B, §11, as amended and to further authorize the Conservation Commission, the Board of Selectmen and/or a qualified Land Trust to submit on behalf of the Town any and all applications deemed necessary for grants and/or reimbursements from the Commonwealth of Massachusetts or the United States under the Self Help Act (Massachusetts General Laws c.132A §11, as amended) and/or any other state or federal programs including those in aid of conservation land acquisition; and/or any others in any way connected with the scope of this article. Said gifts or grants to be deposited in the Open Space Reserve Community Preservation Fund and that the Board of Selectmen be authorized to grant a perpetual Conservation Restriction in said parcel of land in conformance with the requirements of Massachusetts General Laws c.44B, §12 and c.184, §31-33 as amended and to enter into all agreements and execute any and all instruments as may be necessary to effect said purchase. Said funds to be expended under the direction of the Community Preservation Committee and the Town Treasurer.

**THE MODERATOR DECLARED THE MOTION PASSED BY A 2/3 MAJORITY VOTE.**

**ARTICLE 28:** To see if the Town will appropriate \$50,000, with \$38,079 from the CPA Open Space Reserve Fund and \$11,921 from CPA FY19 Budgeted Reserve to fund the Golf Course Conservation Restriction Endowment and associated costs for the recording of the Conservation Restriction as requested by the Board of Selectmen. Said funds

Town of Southborough  
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to be expended under the direction of the Community Preservation Committee and the Town Treasurer, or take any other action thereto.

**Proposed by: COMMUNITY PRESERVATION COMMITTEE**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *Project proposed by the Board of Selectmen, this article uses the best estimates available to provide funds to cover the endowment and other associated costs to finalize the Conservation Restriction on the Southborough Golf Club as required by March 8, 2017 Town Meeting Vote to purchase the land.*

**MOTION MADE:** That the Town vote to appropriate \$50,000, with \$38,079 from the CPA Open Space Reserve Fund and \$11,921 from CPA FY19 Budgeted Reserve to fund the Golf Course Conservation Restriction Endowment and associated costs for the recording of the Conservation Restriction as requested by the Board of Selectmen. Said funds to be expended under the direction of the Community Preservation Committee and the Town Treasurer.

**MOTION PASSED.**

**ARTICLE 29:** To see if the Town will appropriate \$581,716 with \$571,145 from the CPA General Unreserved Fund and \$10,571 from the CPA FY19 Budgeted Reserve for recreation purposes for the restoration of the Golf Course and construction of a parking area with retaining wall as requested by the Golf Course Committee. \$509,275 in project costs with an additional \$72,441 in contingency funding. Contingency funds only available after approval of the CPC for unexpected costs unforeseen at the time of application for a total of \$581,761. Said funds to be expended under the direction of the Community Preservation Committee and the Town Treasurer, or take any other action thereto.

**Proposed by: COMMUNITY PRESERVATION COMMITTEE**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *This article will allow the Town to restore the golf course to a visually appealing, playable condition and preserve the recreational opportunity provided by the course. It also preserves existing historic open vistas, natural habitat and passive recreation opportunities. In addition, this article will allow the Town to construct a parking area and retaining wall. This project is needed because construction of the new Public Safety Building will effectively end golf course operations unless funds are allocated to restore the course to the appropriate playing state for future potential. Continued golf course operation is required under Warrant Article 1 of the March 8, 2017 Special Town Meeting, which passed with more than 90% of Town Meeting attendees voting in favor. An owner's project manager under the supervision of the Golf Course Committee will be chosen to oversee the project.*

**MOTION MADE:** That the Town vote to appropriate \$581,716 with \$571,145 from the CPA General Unreserved Fund and \$10,571 from the CPA FY19 Budgeted Reserve for recreation purposes for the restoration of the Golf Course and construction of a parking area with retaining wall as requested by the Golf Course Committee. \$509,275 in project costs with an additional \$72,441 in contingency funding. Contingency funds only available after approval of the CPC for unexpected costs unforeseen at the time of application for a total of \$581,761. Said funds to be expended under the direction of the Community Preservation Committee and the Town Treasurer.

**AMENDMENT MADE:** That the Town vote to strike the number \$581,761 and substitute the number \$581,716.

**AMENDMENT PASSED.**

**MOTION AS AMENDED PASSED.**

**ARTICLE 30:** To see if the Town will appropriate \$15,000 from the CPA FY19 Budgeted Reserve for the implementation of the Audubon International Classic Program at the Golf Course as proposed by the Golf Course

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Committee and the Open Space Preservation Commission. Said funds to be expended under the direction of the Community Preservation Committee and the Town Treasurer, or take any other action thereto.

**Proposed by: COMMUNITY PRESERVATION COMMITTEE**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *The USGA sponsored Audubon International Classic Program is a prestigious designation that will assist in promotion of the course as a destination for golfers while providing beneficial guidance to the Golf Management Company and the Holders of the Conservation Restriction (CR) on Best Environmental Management Practices in renovations and running the Golf Course. The Classic Program will assist in development of the Management Plan required in the CR, reducing costs to the town in developing the Plan.*

**MOTION MADE:** That the Town vote to appropriate \$15,000 from the CPA FY19 Budgeted Reserve for the implementation of the Audubon International Classic Program at the Golf Course as proposed by the Golf Course Committee and the Open Space Preservation Commission. Said funds to be expended under the direction of the Community Preservation Committee and the Town Treasurer.

**MOTION PASSED.**

*(Article 31 was voted ahead of Article 23.)*

*(Article 32 was voted ahead of Article 23.)*

*(Article 33 was voted ahead of Article 22.)*

*(Article 34 was voted ahead of Article 22.)*

*(Article 35 was voted ahead of Article 23.)*

*(Article 36 was voted ahead of Article 22.)*

**AT 9:20PM, A MOTION TO DISSOLVE THE ANNUAL TOWN MEETING PM PASSED.**

True Copy

Attest:

\_\_\_\_\_  
James F. Hegarty, Town Clerk



Town of Southborough  
SPECIAL TOWN MEETING  
May 22, 2018

**A**t the Special Town Meeting duly called and held in the P. Brent Trottier Middle School, Southborough, on Tuesday May 22, 2018 at 7:08PM, the following ARTICLES were voted on in a legal manner. There was a quorum present (100 Voters = quorum); 175 voters were present.

**The Town Moderator, Paul M. Cimino, called the meeting to order at 7:08pm.**

**MOTION TO WAIVE THE READING OF THE WARRANT PASSED.**

**ARTICLE 1:** To see if the Town will vote to affirm and/or reaffirm, and/or reinstate, and/or clarify and/or amend the Town Code (Ch.174-25B) and/or the Zoning Bylaw as necessary to require a quorum of four (4) members of the Zoning Board of Appeals or their alternates to hold public hearings on any and all matters before them, and to further require that the following provisions be made a permanent part of the Town Code, effective upon being filed with the Town Clerk:

**Zoning Board of Appeals: Meetings; Hearings; Quorum**

- A. Five members of the Board shall be present at every hearing. Four members may hold a hearing and act on the matter before the Board, provided that the interested parties assent thereto before the hearing opens. Any hearing may be adjourned for any reason by the Board, or by any member in case of the absence of a quorum, to a later date by a statement to that effect at the hearing, and the hearing as so adjourned from time to time may be held without any further notice, unless the Board shall vote that such notice shall be given.
- B. The Board will hold public hearings on all applications submitted to it. A quorum shall consist of four members or their alternates. No member shall appear or represent any person in any matter pending before the Board. No member shall hear or decide an appeal in which he or she is directly or indirectly interested in a personal or financial sense.
- C. The hearings will proceed as follows:
  - 1. The Chairman will call the meeting to order and read the notice of hearing as it appeared in the paper.
  - 2. The applicant or his representative shall present the case to the Board.
  - 3. The abutters to the property present at the hearing shall be heard and duly recorded.
  - 4. Any other interested parties present at the hearing shall be heard.
  - 5. Town representatives shall be heard (Planning Board, Selectmen, other boards, etc.).
  - 6. The Chairman shall inform those present at the hearing as to the time requirements, under MGL c. 40A, § 21, [1] for appealing the decision of the Board. [1] Editor's Note: See MGL c. 40A, § 17, Judicial Review
- D. Hearings before the Board:
  - 1. All hearings of the Board shall be open to the public.
  - 2. The transcript of each hearing shall state the members of the Board present and other persons who speak at the hearing and shall contain a summary of the evidence given.
  - 3. The transcript shall be signed by the Secretary or Acting Secretary.

**Zoning Board of Appeals: Disqualification of Members**

- A. Members and alternates shall be responsible for contacting the State Ethics Commission for a conflict of interest opinion and disqualifying themselves from participation in the deciding of any case coming before the Board where the member or alternate has any conflict of Interest or appearance of conflict of interest pertaining to the subject matter of the particular case. Members and alternates are required to file Conflict of Interest (COI) Forms with the Town Clerk and BOS before the case is heard.

; Or do or act anything in relation thereto.

Town of Southborough  
SPECIAL TOWN MEETING  
May 22, 2018

**Proposed by:** MARNIE HOOLAHAN, et al.

**Board of Selectmen Recommendation:** At Town Meeting

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *This is a citizens' petition.*

**FIRST MOTION MADE:** That the Town vote to strike Article 1 in its entirety and replace it with the following language:

To require a quorum of four (4) members of the Zoning Board of Appeals or their alternates to hold public hearings on any and all matters before them, and to further require that the following provisions be made a permanent part of the Town Code, effective upon being filed with the Town Clerk:

**Zoning Board of Appeals: Meetings; Hearings; Quorum**

- A. Five members of the Board shall be present at every hearing. Four members may hold a hearing and act on the matter before the Board, provided that the interested parties assent thereto before the hearing opens. Any hearing may be adjourned for any reason by the Board, or by any member in case of the absence of a quorum, to a later date by a statement to that effect at the hearing, and the hearing as so adjourned from time to time may be held without any further notice, unless the Board shall vote that such notice shall be given.
- B. The Board will hold public hearings on all applications submitted to it. A quorum shall consist of four members or their alternates. No member shall appear or represent any person in any matter pending before the Board. No member shall hear or decide an appeal in which he or she is directly or indirectly interested in a personal or financial sense.
- C. The hearings will proceed as follows:
  - (1) The Chairman will call the meeting to order and read the notice of hearing as it appeared in the paper.
  - (2) The applicant or his representative shall present the case to the Board.
  - (3) The abutters to the property present at the hearing shall be heard and duly recorded.
  - (4) Any other interested parties present at the hearing shall be heard.
  - (5) Town representatives shall be heard (Planning Board, Selectmen, other boards, etc.).
  - (6) The Chairman shall inform those present at the hearing as to the time requirements, under MGL c. 40A, § 21, [1] for appealing the decision of the Board. [1] Editor's Note: See MGL c. 40A, § 17, Judicial Review
- D. Hearings before the Board:
  - (1) All hearings of the Board shall be open to the public
  - (2) The minutes of each hearing shall state the members of the Board present and other persons who speak at the hearing and shall contain a summary of the evidence given.
  - (3) The minutes shall be signed by the Secretary or Acting Secretary.

**Zoning Board of Appeals: Conduct**

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A. Zoning Board of Appeals (ZBA) members are municipal employees covered by the conflict of interest law (Chapter 268A of the General Laws).

B. In addition to complying with the requirements of Mass General Law Chapter 268A, members and alternates are required to file any necessary Conflict of Interest (COI) Forms with the Town Clerk and Board of Selectmen before a case related to such a conflict is heard.

**FIRST MOTION PASSED.**

**SECOND MOTION MADE:** That the Town vote to strike the last sentence of Section B: “No member shall hear or decide an appeal in which he or she is directly or indirectly interested in a personal or financial sense.”

**SECOND MOTION FAILED BY TELLER COUNT**  
**94 YES, 127 NO: 42.5%.**

**MOTION AS AMENDED PASSED BY MODERATOR DECLARED 2/3 MAJORITY.**

<p><b><i>ARTICLE APPROVED, IN PART, BY THE ATTORNEY GENERAL ON DECEMBER 21, 2018.</i></b> <b><i>PARAGRAPH A WAS DISAPPROVED.</i></b></p>
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**ARTICLE 2:** To see if the Town will vote to add the words ‘subject to approval of Town Meeting’ to the Town Code (Ch.174-25A) and/or the Zoning Bylaw as necessary to require approval of Town Meeting for changes to the rules and regulations of the Zoning Board of Appeals, and to further require that the following provisions be made a permanent part of the Town Code, effective upon being filed with the Town Clerk:

**§ 174-25 Board of Appeals.**

- A. The Board of Selectmen shall appoint a Board of Appeals of five members, who shall serve five-year terms, such that the term of one member shall end each year. The Board of Selectmen shall also appoint two associate members of the Board of Appeals, who shall be designated by the Chairman of the Board of Appeals to act when a member is absent or unable to participate for any reason. The Board of Appeals shall adopt and file with the Town Clerk rules consistent with the requirements of the General Laws, Chapter 40A, and with this chapter, subject to approval of Town Meeting. The Board of Appeals shall act on the following classes of matters, and no zoning or building permit shall be issued that is inconsistent with a decision of the Board of Appeals or on any matter within the jurisdiction of or before the Board of Appeals until it has filed its decision thereon:

, or do or act anything in relation thereto.

**Proposed by:** CHRISTOPHER PERKINS, et al.

**Board of Selectmen Recommendation:** At Town Meeting

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *This citizens’ petition article requires the Zoning Board of Appeals to obtain Town Meeting approval when the Board changes their rules and regulations.*

**MOTION MADE:** That the Town vote the article as printed in the warrant.

**MOTION FAILED TO ACHIEVE 2/3 MAJORITY NEEDED FOR PASSAGE.**  
**TELLER COUNT 140 YES, 81 NO; 63.3%.**

**ARTICLE 3:** To see if the Town will vote to amend the zoning by-laws of the Southborough Code Chapter 174 entitled “Zoning” by striking from Section 174-10(G) the text contained in said Section and inserting the following text in place thereof: “Any person aggrieved by the action of the Planning Board on a site plan approval application may appeal said action to a Court of competent jurisdiction in accordance with M.G.L. c.40A, Section 17.



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; or do or act anything in relation thereto.

**Proposed by:** BOARD OF SELECTMEN

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *This article deletes inter-agency appeal of a Planning Board decision on site plan review by the Zoning Board of Appeals. This process is contrary to the standard for judicial review which is the norm under zoning appeals for Massachusetts cities and towns. This is the language as amended at the April 9, 2018 town meeting.*

**MOTION MADE:** That the Town vote to amend the zoning by-laws of the Southborough Code Chapter 174 entitled "Zoning" by striking from Section 174-10(G) the text contained in said Section and inserting the following text in place thereof: "Any person aggrieved by the action of the Planning Board on a site plan approval application may appeal said action to a Court of competent jurisdiction in accordance with M.G.L. c.40A, Section 17.

**MOTION PASSED BY MODERATOR DECLARED 2/3 MAJORITY.**

<b>ARTICLE APPROVED BY THE ATTORNEY GENERAL ON SEPTEMBER 19, 2018.</b>
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**ARTICLE 4:** To see if the Town of Southborough will vote to borrow and appropriate the sum of \$248,300 for capital repair/maintenance at Kallander Field including the design and construction of drainage improvements on the field, around the field and on the hill that abuts the field to the east, repairs to the field's grading and sodding, and improvements to the field's irrigation and parking lot surfacing; or do or act anything in relation thereto.

**Proposed by:** KRISTIN LAVALT, et al.

**Board of Selectmen Recommendation:** At Town Meeting

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *This funding is needed to implement recommended repairs on Kallander Field as identified within the Facilities Master Study. Lack of drainage on most fields including Kallander and the inability to rest them has largely contributed to their current sub-optimal states. Completing these repairs helps to move the town towards an appropriate cycle of resting fields when needed in order to maintain their quality and protect the Town's investment. Kallander Field is located on Kallander Drive off of Rt. 30.*

**MOTION MADE:** That the Town vote to borrow and appropriate the sum of \$248,300 for capital repair/maintenance at Kallander Field including the design and construction of drainage improvements on the field, around the field and on the hill that abuts the field to the east, repairs to the field's grading and sodding, and improvements to the field's irrigation and parking lot surfacing.

**MOTION FAILED.**

**ARTICLE 5:** To see if the Town will vote to amend Chapter 41 of the Code of the Town of Southborough, Massachusetts, entitled Town Meetings, by striking in its entirety Section 41-1 Date and time of Annual Town Meeting, and replacing it with the following language:

*The Annual Town Meeting for the consideration of all business, other than the election of Town Officers or other matters to be determined by ballot, shall be held during the week in March designated by the Selectmen as "Town Meeting Week". The meeting shall be held on a Saturday commencing at 1:00 p.m. and recessed not later than 5:00 p.m.*

*In the event that all articles in the warrant have not been acted on, the meeting shall reconvene at 7:00 p.m. on that Saturday, and recess no later than 11:00 p.m. If all articles are not acted on by that time, adjournment of the session shall be to the following Monday night at 7:00 p.m. and then to each succeeding night at 7:00 p.m. until completion of the warrant.*

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*In the event that all articles in the warrant have not been acted on by the end of the Thursday night session, the meeting shall stand adjourned to a time and date agreeable to the meeting. In the event of a secular or other holiday during the Town Meeting Week, that session shall be adjourned to the next night that shall be agreeable to the meeting by majority vote.*

; or do or act anything in relation thereto.

**Proposed by:** KRISTIN LAVAUT, et al.

**Board of Selectmen Recommendation:** At Town Meeting

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *This is a Citizen's Petition for Annual and Special Town Meetings to be held on Saturdays going forward. Current town code calls for Town Meeting to start on a Monday night, which often extends late into the night and across multiple nights. This timing creates challenges for people to attend across multiple demographics in the town. For those who do attend, the number of people who remain in attendance declines as the night progresses often leaving key votes for the town being decided by a few hundred people or less. The month of March versus April offers a time between seasons where, in general, fewer extra-curricular activities are in progress enabling more to attend.*

**MOTION MADE:** That the Town vote to amend Chapter 41 of the Code of the Town of Southborough, Massachusetts, entitled Town Meetings, by striking in its entirety Section 41-1 Date and time of Annual Town Meeting, and replacing it with the following language:

*The Annual Town Meeting for the consideration of all business, other than the election of Town Officers or other matters to be determined by ballot, shall be held during the week in March designated by the Selectmen as "Town Meeting Week". The meeting shall be held on a Saturday commencing at 1:00 p.m. and recessed not later than 5:00 p.m.*

*In the event that all articles in the warrant have not been acted on, the meeting shall reconvene at 7:00 p.m. on that Saturday, and recess no later than 11:00 p.m. If all articles are not acted on by that time, adjournment of the session shall be to the following Monday night at 7:00 p.m. and then to each succeeding night at 7:00 p.m. until completion of the warrant.*

*In the event that all articles in the warrant have not been acted on by the end of the Thursday night session, the meeting shall stand adjourned to a time and date agreeable to the meeting. In the event of a secular or other holiday during the Town Meeting Week, that session shall be adjourned to the next night that shall be agreeable to the meeting by majority vote.*

**MOTION PASSED.**

<b>ARTICLE APPROVED BY THE ATTORNEY GENERAL ON NOVEMBER 15, 2018.</b>
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**MOTION TO DISSOLVE THE ANNUAL TOWN MEETING PASSED AT 10:30pm.**

True Copy

Attest:

\_\_\_\_\_  
James F. Hegarty, Town Clerk



Report of the Southborough Town Clerk  
Minutes of the Annual Town Meeting  
March 23, 2019

At the Annual Town Meeting duly called and held at the P. Brent Trottier Middle School, 49 Parkerville Road, Southborough, on Saturday, March 23, 2019, at 1:00 PM, the following Articles were voted on in a legal manner. There was a quorum present (100 voters = quorum); 320 voters were present. The Town Moderator, Paul M. Cimino, called the meeting to order at 1:07 PM.

**MOTION MADE:** To waive the reading of the Warrant and the return of service of the Warrant.

**MOTION PASSED.**

**MOTION MADE:** That the following articles be combined for one vote and to pass them:

Articles 1, 2, 3, 4, 5, 6, 8, 9, 12, 14, 15, 16, 17, 28.

**MOTION PASSED** with the exception of Article 28 which was held.

**ARTICLE 1:** To hear reports of the various Town Officers and Committees and to take such action thereon as the Town may vote.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation: Support**

**Advisory Committee Recommendation: Support**

**Summary:** *To hear reports of Town Boards, Committees or Commissions.*

**MOTION MADE:** That the Town hear reports of the various Town Officers and Committees and to take such action thereon as the Town may vote.

**MOTION PASSED.**

**ARTICLE 2:** To see if the Town will vote to accept any sum of money from St. Mark's School, Fay School, Harvard Medical School, L'Abri Fellowship, Harvard University, and any other contributor and deposit same amount in Estimated Receipts Account, and determine what disposition shall be made of the same, if accepted, or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation: Support**

**Advisory Committee Recommendation: Support**

**Summary:** *To allow the Board of Selectmen to accept donations from Tax Exempt organizations and determine the disposition of funds.*

**MOTION MADE:** That the Town vote to accept any sum of money from St. Mark's School, Fay School, Harvard Medical School, Harvard University, L'Abri Fellowship, The New England Center for Children, and any other contributor and deposit same amount in Estimated Receipts Account, and determine what disposition shall be made of the same, if accepted.

**MOTION PASSED.**

**ARTICLE 3:** To see if the Town will vote to authorize the Town Treasurer, with the approval of the Selectmen, to borrow from time to time in anticipation of revenue of the financial year beginning July 1, 2019 in accordance with the provisions of Massachusetts General Laws, Chapter 44, and to issue a note or notes as may be given for a period of less than one year in accordance with Massachusetts General Laws, Chapter 44, Section 17 as amended, or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation: Support**

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**Advisory Committee Recommendation: Support**

**Summary:** *This article allows the Town Treasurer to short-term borrow in anticipation of revenue.*

**MOTION MADE:** That the Town vote to authorize the Town Treasurer, with the approval of the Selectmen, to borrow from time to time in anticipation of revenue of the financial year beginning July 1, 2019 in accordance with the provisions of Massachusetts General Laws, Chapter 44, and to issue a note or notes as may be given for a period of less than one year in accordance with Massachusetts General Laws, Chapter 44, Section 17 as amended.

**MOTION PASSED.**

**ARTICLE 4:** To see if the Town will vote to supplement each prior vote of the Town that authorizes the borrowing of money to pay costs of capital projects to provide that, in accordance with Chapter 44, Section 20 of the General Laws, the premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bond or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied, or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation: Support**

**Advisory Committee Recommendation: Support**

**Summary:** *This article complies with State Law to allow the Town to allocate any bond premium receipts to be allocated to the capital projects that they were received for. This vote was required as part of the Municipal Modernization Act of November 2016.*

**MOTION MADE:** That the Town vote to supplement each prior vote of the Town that authorizes the borrowing of money to pay costs of capital projects to provide that, in accordance with Chapter 44, Section 20 of the General Laws, the premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bond or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied.

**MOTION PASSED.**

**ARTICLE 5:** To see if the Town will vote to appropriate and transfer \$286,148.97 of the bond sale premium paid to the Town upon the sale of its \$10,585,000 General Obligation Municipal Purpose Loan of 2018 Bonds, issued on May 17, 2018 as authorized by M.G.L. c.44, Section 20, as amended, to pay costs of:

710-127	Debt Choate Fields	\$ 6,890.21
710-128	Debt DPW Tank	\$ 20,103.21
710-120	Debt PS Building	\$149,739.23
2310-156	Debt CPA Burnett House	\$ 37,126.09
710-126	Debt Fire Dept Fire Truck	\$ 21,075.95
710-129	Debt 911 Rec Field	\$ 22,980.89
710-456	Debt Water Fund	\$ 28,233.39

or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation: Support**

**Advisory Committee Recommendation: Support**

**Summary:** *A premium receipt is received by the Town when there is a difference between the market price of a bond and its face value (when the market price is higher). The Town receives these excess funds which per State law are allowed to be used for the cost of a bond sale and to offset debt service due for the projects.*

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**MOTION MADE:** That the Town vote to appropriate and transfer \$65,359.48 CPC and Water Funds of the bond sale premium paid to the Town upon the sale of its \$10,585,000 General Obligation Municipal Purpose Loan of 2018 Bonds, issued on May 17, 2018 as authorized by M.G.L. c.44, Section 20, as amended, to pay costs of:

2310-156	Debt CPA Burnett House	\$ 37,126.09
710-456	Debt Water Fund	\$ 28,233.39

**MOTION PASSED.**

**ARTICLE 6:** To see if the Town will vote in accordance with the provisions of Massachusetts General Laws Chapter 30B, Section 12(b), to authorize the Board of Selectmen or the Superintendent of Schools to solicit and award contracts for terms exceeding three years, including any renewal, extension or option, provided in each instance the longer term is determined to be in the best interest of the Town by a vote of the Board of Selectmen or the School Committee, as appropriate, or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation: Support**

**Advisory Board Recommendation: Support**

**Summary:** *This article allows the Selectmen and/or the School Committee to enter into contracts in excess of three years, if deemed in the best interest of the Town to do so. This has been an annual article, and the exemption has been limited to contracts of no more than seven years*

**MOTION MADE:** That the Town vote in accordance with Massachusetts General Laws Chapter 30B, Section 12(b) to authorize the Board of Selectmen and Superintendent of Schools to solicit and award contracts for terms exceeding three years to a maximum of seven years, including any renewal, extension or option, provided in each instance the longer term is determined to be in the best interest of the Town by a vote of the Board of Selectmen or the School Committee.

**MOTION PASSED.**

**ARTICLE 7:** To see if the Town will vote to accept the following changes, as noted in BOLD in the Personnel Salary Administration Plan, as specified in Chapter 31 of the Code of the Town of Southborough, entitled: PERSONNEL.

PERSONNEL BYLAW  
ENTITLED "THE SALARY ADMINISTRATION PLAN"  
[revised at **March 23, 2019** Annual Town Meeting]

This bylaw establishes a Salary Administration Plan for the Town of Southborough that (i) groups position classifications in Town services, (ii) establishes salary schedules and employee benefits and (iii) establishes and authorizes the Personnel Board to administer the bylaw and to represent the interest of both the taxpayers and the Town employees.

This Salary Administration Plan applies to the positions of all officers and employees in the service of the Town, whether full-time, part-time, temporary, seasonal, special or any other, except those positions filled by popular election, under the direction and control of the School Committee, **performed pursuant to a contract approved by the Town** or encompassed in any officially recognized labor union and/or association. The positions covered by this Salary Administration Plan are hereby classified by titles in the groups listed in Schedule A through G ("Classification Schedule") as set forth in Section 20 of this bylaw.

The classification of positions subject to the Massachusetts Welfare Compensation Plan (as amended) and the scheduled rates therefor, as well as the applicable provisions of the Massachusetts General Laws relating to the application of rates set forth in the aforementioned Welfare Compensation Plan are hereby incorporated by reference.

**SECTION 1. DEFINITIONS**

As used in this bylaw, the following words and phrases shall have the following meanings:

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“Administrative Authority” means the elected or appointed official or board having jurisdiction over a function or activity.

“Anniversary Date” means the date 180 days after (i) the first day of employment or (ii) the date of any promotion, whichever is later.

“Base Pay” means the compensation paid by the Town of Southborough for the purposes of determining retirement credits and contributions for Town employees.

The Town shall contribute funds as required for each eligible employees in accordance with the procedures and formula established by the Worcester Regional Retirement System and the bylaws of the Town of Southborough. Contributions shall include (i) wages earned during the first eight hours worked in any one day (no contributions shall be made for hours worked in excess of 40 per week,) (ii) any lump sum bonus that is guaranteed by the Salary Administration Plan or the Bylaws of the Town, (e.g., longevity pay); (iii) vacation pay, except when paid in lieu of taking vacation; (iv) sick pay; and (v) holiday pay.

“Class” means a group of positions in the Town service sufficiently similar with respect to duties and responsibilities such that for each position the same (i) descriptive title may be used, (ii) qualifications shall be required, (iii) tests of fitness may be used to choose qualified employees and (iv) scale of compensation can be equitably applied.

“Classification Schedule” means any of Schedules A, B, C, D, E, F and G of Section 20 hereof.

“Compensation Grade” means a range of salary/wage rates as may appear in the Classification Schedules.

“Continuous Full-Time Service” means employment requiring a predetermined minimum work period that is uninterrupted except for authorized leaves (e.g., vacation, sick, etc.).

“Continuous Employment” means full-time or part-time employment that is uninterrupted except for authorized leaves (e.g., vacation, sick, etc.).

“Department” means a functional unit of Town government.

“Department Head” means the person appointed and responsible to carry out the duties of a Department.

“Full-Time Employment” means employment for not less than 20 hours per week for fifty-two weeks per annum, excepting authorized holidays and leave periods.

“Group” means a group of classes as may appear in the Classification Schedules.

“Maximum Rate” means the highest compensation rate to which an Employee is entitled.

“Minimum Rate” means the lowest rate in a Range, and is normally the hiring rate of a new employee.

“On-Call Compensation” refers to additional money paid to an employee who is required to work when the need requires; oftentimes in an evening or weekend capacity.

“Part-Time Employment” means employment less than 20 hours per week.

“Position” means an office or post of employment in the Town service with duties and responsibilities calling for the Full-Time or Part-Time Employment of one person in the performance and exercise thereof (or of more than one person sharing the same position).

“Position Class” means the same as “Class” (note that a class may include only one position, in which event it is defined as a “single position class”).

“Probationary Employee” means a first-time Town employee within his/her first six months of employment.

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“Promotion” means a change from one position to another position in a higher class and/or compensation grade.

“Range” means the difference between minimum and maximum rates of an assigned grade.

“Rate” means the measure of compensation for personal services on an hourly, weekly, monthly, annual or other basis.

“Salary Administration Plan” means the Personnel Bylaw *Entitled* “The Salary Administration Plan.”

“Single Rate” means a rate for a specific position class that is not in a designated range.

## SECTION 2. POSITION TITLES

No person shall be appointed, employed or paid in any position under any title other than those of the Classification Schedule for which the duties are actually performed. The position title in the Classification Schedule shall be the official title for all purposes, including payrolls, budgeting and official reports.

## SECTION 3. NEW OR CHANGED POSITIONS

No new position shall be established, nor the duties of an existing position so changed that a new level or work demand exists, unless upon presentation of substantiating data satisfactory to the Personnel Board, the Board shall rate such new or changed position, and allocate it to its appropriate classification grade and establish the rate therefor.

## SECTION 4. RECLASSIFICATION OF EMPLOYEES

No position may be reclassified to another grade, whether higher or lower, unless the Personnel Board shall have determined such reclassification is consistent with this Salary Administration Plan.

## SECTION 5. JOB DESCRIPTIONS

The Personnel Board shall maintain written job descriptions of the position classes in the Classification Schedule, each consisting of a statement describing the essential nature of the work required of such classes. Each Department Head shall be required to retain current job descriptions and to submit any revisions to the Personnel Board (following any review by the Board of Selectmen or their designated appointee or the appropriate Commissioners or Trustees). The description for any class shall not be deemed to limit the duties or responsibilities of any position, nor to affect in any way the power of any administrative authority to appoint, to assign duties to, or to direct and control the work of any employee under the jurisdiction of such authority.

## SECTION 6. COMPENSATION

a. The bi-weekly pay period shall begin at 12:00 a.m. Thursday and shall end at 11:59 p.m. on the following second Wednesday.

b. Non-exempt employees subject to this Salary Administration Plan shall be paid for one and one-half hours worked for any hour worked in the excess of forty in their weekly pay period, provided such extra hours were authorized by the Department Head.

c. The salary schedules set forth in Schedules A, B, C, D, E, F and G of Section 20 hereof reflect the maximum and minimum salaries for each grade.

d. Salary set forth in Schedule A represents a 40 hour work week and in the event an employee works less than 40 hours per week but more than 20 hours per week, the indicated salary is pro-rated reflective of the posted salary schedule in Schedule A.

e. Amounts paid to employees in reimbursement for expenses incurred in the performance of their duties (e.g., mileage, meals, dues, etc.) shall be paid in addition to their compensation. Reimbursement shall be based upon the



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actual documented expenditure made by the employee, or at rates established by the Internal Revenue Service, supported by that agency's requirements for documentation.

f. On-Call Compensation: Employees shall be eligible to earn a weekly stipend not to exceed \$200.00 per week for on-call service if the department head has required them to work outside of their normal schedule. This need is likely to occur on an evening or weekend basis as the need requires. There is no provision to accrue compensation time in lieu of payment.

## SECTION 7. SALARY ADJUSTMENT & COMPENSATION POLICIES

a. Every employee that is in Continuous Full-Time or Part-Time service of the Town, as computed from the date of their latest employment, shall be eligible annually for consideration of a salary increase, one year from the date of his/her latest increase. Except as may be authorized by the Personnel Board in exceptional circumstances, such increase is not to exceed one increase in any single twelve-month period until the maximum of the grade is obtained, and such increase shall be subject to the recommendation of the Department Head, with the approval of the Board of Selectmen or their designated appointee in the case of departments within the jurisdiction of the Board of Selectmen, or the appropriate Commissioners or Trustees in the case of departments outside the jurisdiction of the Board of Selectmen.

Retroactive salary increases voted by the Personnel Board shall not be compensated beyond July 1 of that fiscal year, regardless of the funding mechanism.

An evaluation of the employee's performance, in a format approved by the Personnel Board, must accompany a request for an increase **in the case of all employees in Full-Time Graded Positions under Schedule A. Evaluations of employees in Part-Time Hourly Graded Positions under Schedule C and Seasonal Personnel under Schedule F may require performance evaluations under Personnel Policy enacted hereunder.** Upon receiving such documentation, the Personnel Board shall have final review and approval of all adjustments.

An employee may appear before the Personnel Board prior to its action on any request for an increase. Any employee denied such an increase may appeal, in writing, to the Personnel Board, which shall confer with the employee, the Department Head and the Board of Selectmen or their designated appointee, or the appropriate Commissioners or Trustees, and shall decide the matter.

b. Regular Part-Time employees shall be eligible for consideration for salary increases within their grade one year from the date of their last increase, absent exceptional circumstances as may be authorized by the Personnel Board.

c. Special and other Part-Time personnel for whose positions there is a single rate established in Schedule D shall not be eligible for adjustment.

d. Probationary Employees:

1. During the probationary period, benefit eligible employee(s) will earn vacation, sick and personal time in accordance with Section 11(b-d) hereof.
2. During the probationary period, paid leave accruals shall be based on the original hire date.
3. At the end of the 6-month probationary period, an employee may receive an increase [based on any annual adjustment voted by the Personnel Board] provided that: the Department Head recommends it, presents a completed performance evaluation, and the Personnel Board approves it by a majority vote.

Any such increase shall apply only at the start of employment with the Town and shall not apply in case of transfer or promotion from one job to another. The effective date of the new position shall then become the employee's new anniversary date for salary increases.

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SECTION 8. TRANSFERS AND PROMOTIONS

a. An employee who is promoted to a job with a higher range or rate of pay shall enter it at the rate recommended by the Department Head with the approval of the Personnel Board. The employee may also receive at the time an increase, provided the maximum for the job is not exceeded, if the Department Head recommends that qualifications and performance warrant it and the Personnel Board approves. If the Department Head recommends that there should be a probationary period before the promotional increase [not to exceed the percentage increase voted for that fiscal year], then the Personnel Board may approve such a deferred promotional increase at the conclusion of the probationary period (which shall not exceed six months).

b. An employee transferred to a job with a lower range or rate of pay shall enter it at the rate paid for the previous position or at the maximum rate for the job, whichever is the lower, provided the Personnel Board approves. The employee shall have a right to appeal this decision, in writing, to the Personnel Board, which shall confer with the employee, the Department Head and the Board of Selectmen or their designated appointee, or the appropriate Commissioners or Trustees, and shall decide the matter.

SECTION 9. NEW PERSONNEL HIRING

a. Pre-employment physical examinations will be required of newly-hired employees consistent with the Town's policies.

b. Probationary period: For new hires, the first six months of employment shall be a probationary period. The probationary period does not apply to Town employees who change positions within the Town.

c. A new employee's hiring rate shall be the minimum of the rate range of the job, unless otherwise authorized by the Personnel Board or Personnel Director. The Personnel Board is cognizant of the need to make timely decisions during the recruitment process, therefore, the Personnel Director is empowered to set starting salaries for new employees with comparable experience at a rate not exceeding the mid-point of the pay scale set forth in Schedules A and C of the Salary Administration Plan. Department Heads shall notify the Personnel Board of the hiring of all personnel and their hiring rates.

SECTION 10. DEPARTMENT BUDGETS

Each Department Head shall include in the annual departmental budget a pay adjustment section to provide funds for anticipated pay adjustments, with expenditures to be made only in accordance with this Salary Administration Plan and with the approval of the Personnel Board. Degree bonus [Sec 11i(1)] funds shall also be budgeted in the departmental budget.

SECTION 11. EMPLOYEE BENEFITS

Employee benefits are a cost to the Town and a form of "indirect pay" to employees. The benefits listed below are not intended to supersede what State or Federal law may otherwise require.

All forms of paid leave set forth in the SAP may represent a 40 hour work week; in the event an employee works less than 40 hours per week but more than 20 hours per week, the indicated benefit shall be pro-rated reflective of the approved hours per week for that position.

a. Holidays with Pay

Each eligible Employee shall receive one day's pay at their regular rate for the following:

New Year's Day	Labor Day
Martin Luther King Day	Columbus Day
Presidents' Day	Veteran's Day
Patriot's Day	Thanksgiving Day
Memorial Day	Day after Thanksgiving Day
Independence Day	Christmas Day

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Day before or after Christmas Day (as set by the Town annually)

To be eligible for holiday pay, an Employee must work (or be duly excused from working) their regular scheduled days preceding and following the holiday. Employees who do not work 20 hours or more per week on a regular basis shall not be compensated for holidays.

Employees whose regular day off falls on a holiday may have one day off with pay within the ensuing thirty days in lieu of holiday pay, with the specific choice of day subject to Department Head approval. Furthermore, the day granted in lieu of holiday pay shall not cross fiscal years.

All administrative policies and practices relative to holidays with pay shall be prepared and established under the direction of the Personnel Board.

b. Vacations with Pay

- (1) Regular Full-Time Employees who have been in the continuous employ of the Town shall earn paid vacation in accordance with the following schedule:

Years of Employment	Hours Earned per month
0-5	6.666
6-10	10.0
11-15	13.333
16 or more	16.666

Employees hired prior to July 1, 2005, shall be eligible to earn twenty hours per month after serving twenty years of full time employment with the Town.

(2) At the recommendation of the hiring authority and upon the approval of the Personnel Board, new employees entering into a position with the Town of Southborough from a similar position in another municipality or similar government agency will be allowed to enter into the vacation schedule using their years of service from their prior employment, up to a maximum of three weeks' vacation [pro-rated] for the first year of employment with the Town. Employees commencing employment with three weeks per year will be required to complete five years of service before ascending to the next band in the vacation schedule chart.

(3) Vacation shall be granted by Department Heads at their discretion subject to the regular work needs of the Department. An employee shall be permitted to carry over to the following year one year's worth of earned vacation. The employee must have the Department Head's approval to take any portion of a prior year's unused vacation in addition to the days earned in the current fiscal year.

(4) If in the opinion of the Department Head there are unusual work-related circumstances that warrant it, a department head may seek approval from the Town Administrator or his/her delegatee to allow the employee to continue to work and receive vacation pay in lieu of taking vacation. Approval granted in this section may not exceed ten days per fiscal year.

(5) In the event of termination of employment other than for cause, the employee shall be paid, or be entitled to time off with pay, for any accumulated vacation time. Personal and sick leave shall not be compensated at termination.

(6) Vacation administrative policies and practices shall be prepared and established under the direction of the Personnel Board.

c. Sick Leave

(1) All regular Full-Time Employees shall be entitled to accrue 10 sick hours per month, equaling 120 hours annually (15 sick days); employees working less than 40 hours in a weekly pay period will accrue ratably based on hours worked per week. Pay for each day of sick leave shall be at the regular rate. Absences on

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account of sickness in excess of that authorized shall be charged to vacation or other available paid leave. Sick leave shall be payable only in cases of genuine illness, non-work connected accident, or work connected accidents not covered by Massachusetts General Laws Chapter 152 (Workers' Compensation).

(2) Unused sick leave may be accumulated without limitation for employees hired before July 1, 2007. Employees of the Town of Southborough hired on or after July 1, 2007 may only accrue 120 sick days at any one time. At retirement [or death] only, the Town will pay the employee twenty percent (20%) of the employee's then-accumulated sick leave.

(3) Employees who because of genuine illness or a non-work connected accident are absent for a period of more than three days shall be required to present a doctor's certificate to their Department Head before returning to work stating the reason, the period of time the employee was absent and whether there are any physical restrictions or required outpatient services the employee must adhere to in the workplace.

(4) Annually, an employee may use up to seven of the allowed fifteen days of sick leave for the care of a sick family member.

(5) Sick leave administrative policies and practices shall be prepared and established under the direction of the Personnel Board.

d. Personal Days

Each employee shall be entitled to three personal days per year, to be granted annually on the anniversary of the employee's date of hire. New employees shall be granted three personal days which shall be pro-rated based on hours worked per pay period. Requests for personal days shall be approved by the Department Head. Personal days shall not accumulate from year to year.

d. Military Leave

(1) Reserve Duty: An employee in full-time employment in the military reserve shall be paid the difference between compensation received while on reserve duty and regular compensation rates paid the employee by the Town. Such payment by the Town shall be limited to a period not to exceed two weeks in any twelve-month period.

(2) Active Duty: Pursuant to Article 8 of the April 11, 2005 Annual Town Meeting, an employee in the federal military reserve or a state National Guard who is called to active service shall be entitled to their regular base salary and shall not lose any seniority or paid leave benefits while on military leave; *provided*, however, that such base pay shall be reduced by any amount received from the United States as pay or allowance for military service performed.

f. Jury Duty

Any employee who is called to jury duty shall be paid the difference between their normal compensation and the amount (excluding any travel allowance) received from the court, upon presentation of evidence of the amount paid by the court.

g. Miscellaneous Paid Time Off

Working time lost from regularly scheduled work days for reasons listed below shall be without loss of pay, provided such lost time is authorized by the Department Head:

(1) Bereavement leave – In the event of the death of a spouse, father, mother, child, father-in-law, mother-in-law, brother, sister, grandparent, or of any other person then residing with the employee, such employee shall be entitled to receive three days' leave for the purpose of the funeral and services of the deceased. If out-of-state travel is required, the Town Administrator or his/her delegatee may authorize up to two additional days of travel time.

(2) Medical examination or inoculation required by the Town.

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- (3) Blood donation authorized by the Department Head.
- (4) Attendance at professional and educational programs authorized by the Department Head.

h. Court Time Pay

If the Town requires that an employee appear in Court as a witness or in any other capacity arising from the performance of the employee's duty, or on behalf of the Commonwealth or the Town in any civil or criminal case pending in any Court or other official governmental board or agency, then for any such appearance that is made outside of the employee's normal working hours the employee shall be entitled to overtime compensation for every hour or fraction thereof during which they appear (but in no event less than three hours of such overtime pay).

i. Employee Educational Support/Professional Development

(1) Degree Bonus: All Part-Time and Full-Time employees who, while an employee of the Town, earns a degree in a field applicable to their position from an accredited college or university, shall receive a one-time bonus subject to appropriation, according to the following schedule:

Associates Degree....\$ 800.00  
Bachelors Degree...\$1,200.00  
Masters Degree.....\$1,500.00

A copy of the completed transcript, diploma or other appropriate evidence of the completed degree must be presented to the Department Head and the Personnel Board, and shall be submitted as documentation for accounts payable.

(2) Tuition reimbursement: As administered through the Personnel Board and subject to the procedure below, the Town may provide tuition reimbursement to any Part-Time or Full-Time employee for a course that applies to the employee's specific position and for which the employee submits written verification of a grade of "B" or better.

(3) Approval Procedure: Town funds must first be appropriated by Town Meeting in the Personnel Board's fiscal year budget. If funds are appropriated, then no later than August 31<sup>st</sup> of each year interested employees shall advise the Personnel Board in writing of their interest in taking work-related courses during the fiscal year. The request should be routed through the employee's Department Head to the Assistant Town Administrator, and should include detailed information regarding the desired coursework and cost of tuition. Thereafter the Personnel Board will review all such requests and make recommendations for reimbursement based on available funds and the number of requests. The Board will then notify the employee and their department head of the decision.

(4) Reimbursement: Tuition reimbursed shall be paid only after the employee presents to the Department Head written verification of (a) course completion (with a grade of at least B) and (b) full payment by the employee. If an employee resigns employment within twelve months of such reimbursement, the employee shall be responsible to repay the amount paid to them by the Town.

j. Group Medical Insurance

Starting July 1, 2009, the Town will contribute fifty percent (50%) of the cost of a medical indemnity plan or seventy-five percent [75%] of the cost of a Health Maintenance Organization plan.

SECTION 12. UNPAID LEAVES OF ABSENCE

- a. A leave of absence without compensation may be granted by the Personnel Board.

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b. Leaves of absence of over three months' duration (except Military Leave) shall be deemed a break in employment, and on return to work the employee shall have the status of a new employee unless an extension of leave beyond three months was authorized by the Personnel Board.

SECTION 13. TRANSITIONS BETWEEN FULL-TIME AND PART-TIME STATUS

a. A Part-Time employee shall be eligible for Full-Time status when the employee has worked 20 hours or more per week for a period of at least three consecutive months, subject to approval by the Department Head.

b. A Full-Time employee whose hours of employment total less than 20 hours per week for a period of more than three consecutive months shall thereafter be deemed a Part-Time employee.

SECTION 14. APPOINTMENT OF "ACTING" DEPARTMENT HEADS

a. In the absence or retirement of a Department Head for three consecutive weeks, the Board of Selectmen or appropriate board or commission may appoint an "Acting" Department Head to serve for a period of not more than three months. Such three-month period may be extended for up to three additional three-month periods, upon the approval of the Board of Selectmen or other appropriate board or commission for each such extension. In no case shall an appointment of an "Acting" Department Head exceed one year.

b. Duly appointed "Acting" employees shall be compensated at an additional 10% per week, payable retroactively only upon the conclusion of three consecutive weeks of service by the "Acting" employee. Such employees shall still be eligible for overtime pay when fulfilling regular duties from the previous job beyond normal working hours.

SECTION 15. PERSONNEL BOARD

a. There shall be a Personnel Board to administer the Salary Administration Plan. Said Board is to be appointed by the Town Moderator. The Board shall consist of five voters other than employees of the Town or those regularly serving the Town in any elective capacity. They shall serve without compensation. **For purposes of this section, Election Workers and Wardens shall not be considered "employees of the Town."**

b. Other than as may be needed to fill unexpected vacancies, appointments shall be for three years. The Moderator shall fill any vacancies. The Personnel Board may employ assistance and incur expenses as it deems necessary, subject to appropriation of funds therefor.

SECTION 16. DUTIES OF THE PERSONNEL BOARD

a. The Personnel Board shall administer the Salary Administration Plan and shall establish such policies, procedures and regulations as it deems necessary for the administration of the Plan.

b. The Town Administrator serves as the Town's Personnel Director under the Town Administrator Bylaw [Ch. 27, Art. IX]. As such, the Personnel Director is invested with personnel authority and responsibilities as set forth therein. From time to time, and as may be necessary, the Personnel Board will consult and/or act in concert with the Personnel Director or his/her delegatee on matters of joint responsibility and concern.

c. The Board shall meet annually in July and organize by the choice of a Chair and Clerk. The Board shall meet at least monthly, except **when there is no business before the Board**. A majority of the Board shall constitute a quorum for the transaction of business. The votes of the majority of all the members of the Board shall be necessary on any matter upon which it is authorized to or required to pass under the Salary Administration Plan.

d. The Personnel Board shall maintain records of all employees subject to this Plan as it deems desirable, including personnel evaluations. Such records are to be kept by the Personnel Director or his/her delegatee, under the direction of the Personnel Board. Department Heads shall furnish such information as requested by the Board.

e. The Personnel Board shall from time to time, but no less often than every federal Election Year, review the Classification Schedule, Salary Schedules, and administration policies of the Salary Administration Plan. It shall keep informed as to pay rates and policies outside the Town, and shall recommend to the Town any action that the Board deems

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desirable in that regard. The Personnel Board may tentatively add a new class to the Classification Schedule or reallocate an existing class to a different compensation grade, either higher or lower, subject to the subsequent ratification of its action by formal amendment of the Salary Administration Plan at the next Annual Town Meeting.

f. **Not later than six (6) months prior to Annual Town Meeting**, the Personnel Board may vote an annual adjustment (but shall reserve the right to vote no adjustment) to the Classification Schedule and establish the effective rate for employees of each grade for the next fiscal year, subject to the subsequent ratification of its action by formal amendment of the Salary Administration Plan at the next Annual Town Meeting. The Personnel Board shall base any annual adjustments upon available relevant information. Approval of the rate for any given employee is not guaranteed and is driven by the annual performance evaluation.

g. Matters of concern by SAP employees that are communicated in writing to the Chair of the Personnel Board will be scheduled on an agenda at the next available meeting providing all necessary and requested information has been submitted in time to be part of the meeting packet. In addition, notice in writing shall be forwarded to the concerned employee and respective Department Head within seven days of the Board's decision. Notwithstanding the foregoing, if the Personnel Board shall so request and the concerned employee and Department Head shall agree, a reasonable extension of these time periods may be granted.

h. Upon recommendation of a Department Head, supported by evidence in writing of special reasons and exceptional circumstances satisfactory to the Personnel Board, the Board may authorize variances in the Salary Administration Plan as it may deem necessary for the proper functioning of the services of the Town, and to effectuate the basic intent of the Plan.

#### SECTION 17. EMPLOYEES AND THE PERSONNEL BOARD

a. All employees covered by this Salary Administration Plan shall have the right to request an appointment to confer with the Personnel Board on any matter of interest or concern to them that is covered by the Salary Administration Plan. The employee shall notify the Department Head in writing in advance of the desire to discuss the matter with the Board. One of the duties of the Board shall be to foster mutual understanding and good will with the personnel of the Town.

b. To facilitate this, if any employee should feel aggrieved by the operation of any provision of the Plan, the employee shall first discuss the matter with the Department Head, in a mutual effort to clear up any problems or misunderstanding.

c. If two weeks after such a conference a satisfactory understanding and solution of the problem has not been reached, then either the Department Head or the employee may take the matter to the Personnel Board, and the Board shall hear the parties not later than at its next regular meeting. There shall be no discrimination or prejudice by a Department Head against any employee who may take a matter to the Board.

#### SECTION 18. AMENDMENT OF THE PLAN

The Salary Administration Plan may be amended in the same manner that Town Bylaws may be amended. However, no amendment to the Plan shall be made until it has been presented by a signed petition to, and acted upon by, the Personnel Board. Upon receipt of such a written petition, the Board, after giving the petitioner(s), the Department Head(s) and the affected employee(s) at least two weeks' written notice, shall hold a hearing to consider the proposed amendment. If the Personnel Board approves of any proposed amendment, it shall bring it before the next available Special or Annual Town Meeting for its consideration. If the Personnel Board disapproves any proposed amendment or shall fail to act thereof within fifteen days after the hearing (which failure shall be deemed disapproval), the petitioner(s) may present the petition to the next available Town Meeting for its consideration. The Board of its own motion, after a similar hearing and/or conference with parties interested, may propose an amendment to the Plan.

#### SECTION 19. SEVERABILITY PROVISION

In the event that any provision of this bylaw, or application thereof, shall be held to be invalid by the proper authorities, this shall not be construed to affect the validity of any other provision, or application thereof, of this bylaw.

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SECTION 20: CLASSIFICATION SCHEDULE  
SCHEDULE A: FULL-TIME SALARY GRADED POSITIONS

POSITION TITLE	PAY GRADE
<b>DEPARTMENT HEADS &amp; MANAGEMENT STAFF</b>	
<b>Superintendent of Public Works*</b>	9
<b>Finance Director/Treasurer-Collector*</b>	
Assistant Town Administrator	8
Director of Facilities	
Library Director	
Building Commissioner	
IT Manager	
Police Lieutenant	
Town Accountant*	
Director, Council on Aging	
<b>Principal Assessor*</b>	
Conservation Agent	7
Director, Youth & Family Services	
Director of Recreation	
Town Planner	
<b>SUPERVISORS &amp; TECHNICAL STAFF</b>	
Assistant Town Clerk	6
Assistant Director, Youth & Family Services	
Outreach Coordinator	
Assistant Library Director	
<b>Police Business Administrator</b>	
<b>Program Manager, COA</b>	
Business Administrator II	5
Children's Librarian	
Staff Engineer	
Executive Assistant to the Board of Selectmen	
Program Coordinator	
Business Administrator I	4
Deputy Assessor	
Maintenance Technician	
Assistant Treasurer/Collector	
Assistant Town Accountant	



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<b>ADMINISTRATIVE &amp; SUPPORT STAFF</b>	
Administrative Assistant	3
Administrative Assistant II	
Senior Library Assistant	
Library Assistant	2
Maintenance Mechanic	
Maintenance Custodian	1

**\*when not under contract**

**Hourly Rates for Full-Time Positions**

<b>Grade</b>	<b>Minimum</b>	<b>Midpoint</b>	<b>Maximum</b>
<b>1</b>	<b>\$37,712</b>	<b>\$43,396</b>	<b>\$49,080</b>
<b>2</b>	<b>\$40,541</b>	<b>\$46,622</b>	<b>\$52,703</b>
<b>3</b>	<b>\$43,581</b>	<b>\$50,119</b>	<b>\$56,656</b>
<b>4</b>	<b>\$48,487</b>	<b>\$56,973</b>	<b>\$65,458</b>
<b>5</b>	<b>\$52,124</b>	<b>\$61,245</b>	<b>\$70,366</b>
<b>6</b>	<b>\$56,033</b>	<b>\$65,839</b>	<b>\$75,644</b>
<b>7</b>	<b>\$67,343</b>	<b>\$80,812</b>	<b>\$94,280</b>
<b>8</b>	<b>\$79,128</b>	<b>\$94,954</b>	<b>\$110,780</b>
<b>9</b>	<b>\$92,975</b>	<b>\$111,571</b>	<b>\$130,166</b>

SCHEDULE B: [RESERVED FOR FUTURE USE]

SCHEDULE C: PART-TIME HOURLY GRADED POSITIONS

<b>Election Worker .....</b>	<b>1</b>
<b>Library Page.....</b>	<b>1</b>
<b>Election Warden.....</b>	<b>2</b>
<b>Seasonal Laborer.....</b>	<b>2</b>
<b>Custodian .....</b>	<b>2</b>
<b>Library Associate .....</b>	<b>3</b>
<b>Administrative Assistant.....</b>	<b>3</b>
<b>Police Dispatcher .....</b>	<b>3</b>
<b>Technical Specialist .....</b>	<b>4</b>
<b>Business Assistant .....</b>	<b>4</b>
<b>Economic Development Coordinator .....</b>	<b>4</b>
<b>Electrician.....</b>	<b>5</b>
<b>Nurse .....</b>	<b>5</b>
<b>Public Health Director .....</b>	<b>5</b>

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Hourly Rates for Part-Time Positions

Grade	Minimum	Maximum
1	\$11.00	\$14.00
2	\$12.00	\$17.00
3	\$18.00	\$25.00
4	\$22.00	\$31.00
5	\$28.00	\$42.00

*Municipalities are subject to the federal minimum wage law, not the state law.*

SCHEDULE D: FIRE DEPT POSITIONS (not covered by Collective Bargaining Agreement)

<u>Grade</u>	<u>Proposed Pay Structure</u>	<u>Drills</u>	<u>Boxes</u>	<u>Signal 55</u>
1	Firefighter (Entry Level)	0.00	0.00	0.00
2	Firefighter I Certified	18.00	16.00	16.00
3	Firefighter I/II Certified	19.00	17.00	17.00
4	Firefighter I Certified/Operator	20.00	18.00	18.00
5	Firefighter I/II Certified/Operator	21.00	19.00	19.00
6	EMT (Entry Level)	0.00	0.00	0.00
7	EMT	18.00	16.00	16.00
8	EMT-I	20.00	18.00	18.00
9	Firefighter I Certified/EMT	20.00	18.00	18.00
10	Firefighter I/II Certified/EMT	21.00	19.00	19.00
11	Firefighter I Certified/Operator/EMT	22.00	20.00	20.00
12	Firefighter I/II Certified/Operator/EMT	23.00	21.00	21.00
13	Lieutenant	24.00	22.00	22.00
14	Lieutenant/EMT	26.00	24.00	24.00

Details. On any occasion that the Fire Chief determines that public safety is at risk (fire watches, pyrotechnic displays, pyrotechnic blasting for construction, etc.) and calls for a detail consisting of a Firefighter or Firefighters [not covered by any other collective bargaining agreement] to stand-by during any of these situations to monitor for fire, explosion, or any other possible hazard, the person or persons assigned to the detail will be compensated in the following manner:

\$50.00 per hour

\$56.00 per hour/ for week-end or holiday

SCHEDULE E: MISCELLANEOUS ANNUAL COMPENSATION SCHEDULE

Cemetery Agent .....	\$8,000
Clerk, Board of Registrars .....	\$1,638.33
Emergency Management Coordinator .....	\$2,000
<b>Energy Management Stipend.....</b>	<b>\$6,000</b>
Registrar of Voters .....	\$205.66
Town Counsel (not including fees) .....	\$1,704.33
Tree Warden .....	\$4,000
Veterans' Agent and Director of Veterans' Services .....	\$15,000

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SCHEDULE F: FEE BASED COMPENSATION (Recreation Seasonal Personnel)

Assistant Instructor .....	3
Camp Counselor 1.....	1
Camp Counselor 2.....	2
Lifeguard.....	5
Coordinator .....	6
Instructor I.....	6
Monitors.....	6
Program Driver .....	6
Assistant Supervisor.....	9
Supervisor .....	11
Instructor II .....	12
Master Instructor .....	13
Seasonal Nurse.....	13

**Hourly Rates for Recreation Seasonal Personnel**

Grade	Minimum	Midpoint	Maximum
1	Min wage*	Midpoint	\$10.00
2	\$8.34	\$10.35	\$12.35
3	\$8.84	\$10.91	\$12.98
4	\$9.26	\$11.52	\$13.78
5	\$9.71	\$12.10	\$14.49
6	\$10.25	\$12.74	\$15.22
7	\$10.73	\$13.34	\$15.95
8	\$11.26	\$14.02	\$16.77
9	\$11.82	\$14.72	\$17.62
10	\$12.54	\$15.60	\$18.66
11	\$13.87	\$19.44	\$25.00
12	\$21.00	\$27.50	\$34.00
13	\$29.00	\$35.00	\$41.00

*\*Municipalities are subject to the federal minimum wage law, not the state law.*

SCHEDULE G: SPECIAL ADMINISTRATIVE AND SUPERVISORY POSITIONS

Police Lieutenant:

In addition to all the benefits provided employees under the SAP, he/she would be eligible for some additional benefits as provided members of Mass COP Local 167, the police union collective bargaining agreement.

As a result, a separate policy is adopted by the Southborough Board of Selectmen and enforced by the Southborough Police Department subject to change in conjunction with future collective bargaining agreements.

\*Increases in salary for long term employees will be considered case by case by Personnel Board.

SCHEDULE H: LONGEVITY SCHEDULE: Full-Time Employees of Town of Southborough –  
Compensated annually at Anniversary Date

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After 5 years.....	\$400
After 10 years.....	\$600
After 15 years.....	\$700
After 20 years.....	\$850
After 25 years.....	\$1,000
After 30 years.....	\$1,200
After 40 years.....	\$1,500

, or do or act anything in relation thereto.

**Proposed by: PERSONNEL BOARD**

**Board of Selectmen Recommendation: Support**

**Advisory Committee Recommendation: Support**

**Summary:** *The Personnel By-Law governs policies and pay structures for non-union employees. The changes are noted in **bold**.*

**MOTION MADE:** That the Town vote to approve changes to the Personnel Salary Administration Plan, as specified in Chapter 31 of the Code of the Town of Southborough, entitled: PERSONNEL, and insert in its place the changes as printed in the warrant. Changes are noted in **BOLD** in the warrant.

**FIRST AMENDMENT MADE:** I move to amend the Article by striking the word ‘hourly’ before the words rate for Full-time and replace the word Annual in its place.

**FIRST AMENDMENT PASSED.**

**SECOND AMENDMENT MADE:** I move to strike the words Energy Management stipend for \$6,000 from Schedule E of the SAP.

**SECOND AMENDMENT FAILED.**

**MOTION AS AMENDED PASSED.**

**ARTICLE 8:** To see if the Town will accept the provisions of Chapter 44, Sec. 53F1/2 of the Massachusetts General Laws establishing the water fund as an enterprise fund effective July 1, 2019; or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation: Support**

**Advisory Committee Recommendation: Support**

**Summary:** *This article formally creates a Water Enterprise Fund, which segregates water revenue and expenses from General Fund revenue and expenses. An enterprise fund is considered the best practice to promote and maintain long-term financial sustainability for water operations & activities.*

**MOTION MADE:** That the Town vote to accept the provisions of Chapter 44, Sec. 53F1/2 of the Massachusetts General Laws establishing the water fund as an enterprise fund effective July 1, 2019.

**MOTION PASSED.**

**ARTICLE 9:** To see if the Town will vote to approve funding for the economic cost items under M.G.L. Chapter 150E, Section 7 for any particular collective bargaining agreements reached before Town Meeting, or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation: Support**

**Advisory Committee Recommendation: Support**

**Summary:** *This article will fund costs associated with the first year of any contract agreed upon before Town Meeting commences with the DPW, Police, Communication Officers, and/or Fire Union.*

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**MOTION MADE:** That pursuant to Mass. General Laws Chapter 150E Section 7 as amended, the Town vote to approve the economic terms of the collective bargaining agreement between the Town and **AFSCME Council 93** and to raise and appropriate \$38,037 for the purpose of funding the collective bargaining agreement; and further, pursuant to Mass. General Laws Chapter 150E Sections 7 as amended, the Town vote to approve the economic terms of the collective bargaining agreement between the Town and **Local 167, Massachusetts Coalition of Police** and to raise and appropriate \$34,353 for the purpose of funding the collective bargaining agreement; and further, pursuant to Mass. General Laws Chapter 150E Section 7 as amended, the Town vote to approve the economic terms of the collective bargaining agreement between the Town and **Local 445, Massachusetts Coalition of Police** and to raise and appropriate \$7,946; and further, pursuant to Mass. General Laws Chapter 150E Section 7 as amended, the Town vote to approve the economic terms of the collective bargaining agreement between the Town and **Local 3129, Southborough Permanent Firefighters Union** and to raise and appropriate \$44,789.

**MOTION PASSED.**

**ARTICLE 10:** To see if the Town will vote to transfer a sum of money between and among various accounts for the fiscal year ending June 30, 2019, or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation: Support**

**Advisory Committee Recommendation: Support**

**Summary:** *This article is intended to address any unexpected or unusual funding needs for the current fiscal year via transfers between accounts.*

**MOTION TO INDEFINITELY POSTPONE THE ARTICLE PASSED.**

**ARTICLE 11:** To see if the Town will vote to raise a sum of money as may be necessary for the Town's use for Fiscal Year 2020, and make appropriations of the same, as detailed following, or do or act anything in relation thereto.

**SEE BUDGETS ON THE FOLLOWING PAGES**

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**100-199 GENERAL GOVERNMENT**

**110-119 Legislative**

<b>BUDGET NAME</b>	<b>FY 2017 ACTUAL</b>	<b>FY 2018 ACTUAL</b>	<b>FY2019 BUDGET</b>	<b>FY2020 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>114 MODERATOR</b>						
51000-51990 Personal Services	0	50	50	50	50	
52000-58990 Other Charges and Expenses	49	25	25	25	25	
<b>MODERATOR TOTAL</b>	<b>49</b>	<b>75</b>	<b>75</b>	<b>75</b>	<b>75</b>	<b>0.00%</b>

**120-129 Executive**

<b>BUDGET NAME</b>	<b>FY 2017 ACTUAL</b>	<b>FY 2018 ACTUAL</b>	<b>FY2019 BUDGET</b>	<b>FY2020 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>121 ELECTED BOARD OF SELECTMEN</b>						
51000-51990 Personal Services	3,800	3,800	4,000	4,000	4,000	
<b>ELECTED BOARD OF SELECTMEN TOTAL</b>	<b>3,800</b>	<b>3,800</b>	<b>4,000</b>	<b>4,000</b>	<b>4,000</b>	<b>0.00%</b>

<b>BUDGET NAME</b>	<b>FY 2017 ACTUAL</b>	<b>FY 2018 ACTUAL</b>	<b>FY2019 BUDGET</b>	<b>FY2020 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>122 BOARD OF SELECTMEN</b>						
51000-51990 Personal Services	359,128	370,070	375,079	390,087	390,087	
52000-58990 Other Charges and Expenses	66,313	62,432	59,444	50,268	50,268	
<b>BOARD OF SELECTMEN TOTAL</b>	<b>425,441</b>	<b>432,502</b>	<b>434,523</b>	<b>440,355</b>	<b>440,355</b>	<b>1.3%</b>

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**130-149 Financial Administration**

<b>BUDGET NAME</b>	<b>FY 2017 ACTUAL</b>	<b>FY 2018 ACTUAL</b>	<b>FY2019 BUDGET</b>	<b>FY2020 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>131 ADVISORY COMMITTEE</b>						
52000-58990 Other Charges and Expenses	901	341	806	2,500	2,500	
ADVISORY COMMITTEE TOTAL	901	341	806	2,500	2,500	210.2%

<b>BUDGET NAME</b>	<b>FY 2017 ACTUAL</b>	<b>FY 2018 ACTUAL</b>	<b>FY2019 BUDGET</b>	<b>FY2020 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>132 RESERVE FUND</b>						
52000-58990 Other Charges and Expenses	150,000	150,000	200,000	180,000	180,000	
RESERVE FUND TOTAL	150,000	150,000	200,000	180,000	180,000	-10.0%

<b>BUDGET NAME</b>	<b>FY 2017 ACTUAL</b>	<b>FY 2018 ACTUAL</b>	<b>FY2019 BUDGET</b>	<b>FY2020 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>135 TOWN ACCOUNTANT</b>						
51000-51990 Personal Services	141,815	128,230	147,338	157,963	157,963	
52000-58990 Other Charges and Expenses	1,666	2,439	3,465	2,265	2,265	
TOWN ACCOUNTANT TOTAL	143,481	130,669	150,803	160,228	160,228	6.2%

<b>BUDGET NAME</b>	<b>FY 2017 ACTUAL</b>	<b>FY 2018 ACTUAL</b>	<b>FY2019 BUDGET</b>	<b>FY2020 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>136 AUDIT</b>						
52000-58990 Other Charges and Expenses	24,700	32,500	26,140	34,450	34,450	
AUDIT TOTAL	24,700	32,500	26,140	34,450	34,450	31.8%

<b>BUDGET NAME</b>	<b>FY 2017 ACTUAL</b>	<b>FY 2018 ACTUAL</b>	<b>FY2019 BUDGET</b>	<b>FY2020 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>140 ELECTED BOARD OF ASSESSORS</b>						
51000-51990 Personal Services	2,250	2,250	2,250	2,250	2,250	
ELECTED BOARD OF ASSESSORS						
TOTAL	2,250	2,250	2,250	2,250	2,250	0.0%

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<b>BUDGET NAME</b>	<b>FY 2017 ACTUAL</b>	<b>FY 2018 ACTUAL</b>	<b>FY2019 BUDGET</b>	<b>FY2020 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>141 ASSESSORS</b>						
51000-51990 Personal Services	160,652	167,235	171,013	177,243	177,243	
52000-58990 Other Charges and Expenses	31,635	31,165	34,150	34,045	34,045	
<b>ASSESSORS TOTAL</b>	<b>192,287</b>	<b>198,400</b>	<b>205,163</b>	<b>211,288</b>	<b>211,288</b>	<b>3.0%</b>

<b>BUDGET NAME</b>	<b>FY 2017 ACTUAL</b>	<b>FY 2018 ACTUAL</b>	<b>FY2019 BUDGET</b>	<b>FY2020 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>145 TREASURER/COLLECTOR</b>						
51000-51990 Personal Services	191,797	198,938	204,697	214,439	214,439	
52000-58990 Other Charges and Expenses	20,634	10,302	12,550	10,375	10,375	
<b>TREASURER/COLLECTOR TOTAL</b>	<b>212,431</b>	<b>209,240</b>	<b>217,247</b>	<b>224,814</b>	<b>224,814</b>	<b>3.5%</b>

*150-159 Operations Support*

<b>BUDGET NAME</b>	<b>FY 2017 ACTUAL</b>	<b>FY 2018 ACTUAL</b>	<b>FY2019 BUDGET</b>	<b>FY2020 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>151 LEGAL</b>						
52000-58990 Other Charges and Expenses	85,567	94,158	95,000	95,000	95,000	
<b>LEGAL TOTAL</b>	<b>85,567</b>	<b>94,158</b>	<b>95,000</b>	<b>95,000</b>	<b>95,000</b>	<b>0.0%</b>

<b>BUDGET NAME</b>	<b>FY 2017 ACTUAL</b>	<b>FY 2018 ACTUAL</b>	<b>FY2019 BUDGET</b>	<b>FY2020 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>152 PERSONNEL BOARD</b>						
51000-51990 Personal Services	2,000	2,000	1,250	5,000	5,000	
52000-58990 Other Charges and Expenses	12,592	21,160	17,450	11,435	11,435	
<b>PERSONNEL BOARD TOTAL</b>	<b>14,592</b>	<b>23,160</b>	<b>18,700</b>	<b>16,435</b>	<b>16,435</b>	<b>-12.1%</b>

<b>BUDGET NAME</b>	<b>FY 2017 ACTUAL</b>	<b>FY 2018 ACTUAL</b>	<b>FY2019 BUDGET</b>	<b>FY2020 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>153 SPECIAL LEGAL COUNSEL</b>						
52000-58990 Other Charges and Expenses	46,905	89,492	55,000	50,000	50,000	
<b>SPECIAL LEGAL COUNSEL TOTAL</b>	<b>46,905</b>	<b>89,492</b>	<b>55,000</b>	<b>50,000</b>	<b>50,000</b>	<b>-9.1%</b>



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BUDGET NAME	FY 2017 ACTUAL	FY 2018 ACTUAL	FY2019 BUDGET	FY2020 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>154 MUNICIPAL TECNOLOGY COMMITTEE</b>						
52000-58990 Other Charges and Expenses	0	0	0	1,000	1,000	
MUNI. TECHNOLOGY COMMITTEE						
TOTAL	0	0	0	1,000	1,000	N/A

BUDGET NAME	FY 2017 ACTUAL	FY 2018 ACTUAL	FY2019 BUDGET	FY2020 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>155 TECHNOLOGY</b>						
51000-51990 Personal Services	81,629	94,195	96,422	99,615	99,615	
52000-58990 Other Charges and Expenses	161,428	185,364	215,229	210,239	210,239	
MANAGEMENT INFORMATION						
SYSTEMS TOTAL	243,057	279,559	311,651	309,854	309,854	-0.6%

BUDGET NAME	FY 2017 ACTUAL	FY 2018 ACTUAL	FY2019 BUDGET	FY2020 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>159 OTHER OPERATION SUPPORT</b>						
52000-58990 Other Charges and Expenses	313,504	332,818	341,297	359,895	359,895	
OTHER OPERATION SUPPORT TOTAL	313,504	332,818	341,297	359,895	359,895	5.4%

***160-169 Licensing and Registration***

BUDGET NAME	FY 2017 ACTUAL	FY 2018 ACTUAL	FY2019 BUDGET	FY2020 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>160 ELECTED TOWN CLERK</b>						
51000-51990 Personal Services	50,284	66,674	83,064	85,141	85,141	
TOWN CLERK TOTAL	50,284	66,674	83,064	85,141	85,141	2.5%

BUDGET NAME	FY 2017 ACTUAL	FY 2018 ACTUAL	FY2019 BUDGET	FY2020 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>161 TOWN CLERK</b>						
51000-51990 Personal Services	129,310	117,342	126,269	125,247	125,247	
52000-58990 Other Charges and Expenses	78,725	95,695	82,450	66,479	66,479	
TOWN CLERK TOTAL	208,035	213,037	208,719	191,726	191,726	-8.1%

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**170-189 Land Use and Development**

BUDGET NAME	FY 2017 ACTUAL	FY 2018 ACTUAL	FY2019 BUDGET	FY2020 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>171 CONSERVATION COMMISSION</b>						
51000-51990 Personal Services	49,915	56,395	58,567	68,866	68,866	
52000-58990 Other Charges and Expenses	9,910	9,639	14,525	21,125	21,125	
CONSERVATION COMMISSION TOTAL	59,825	66,034	73,092	89,991	89,991	23.1%

BUDGET NAME	FY 2017 ACTUAL	FY 2018 ACTUAL	FY2019 BUDGET	FY2020 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>175 PLANNING BOARD</b>						
51000-51990 Personal Services	125,884	113,316	135,212	135,546	135,546	
52000-58990 Other Charges and Expenses	22,999	29,556	17,160	23,060	23,060	
PLANNING BOARD TOTAL	148,883	142,872	152,372	158,606	158,606	4.1%

BUDGET NAME	FY 2017 ACTUAL	FY 2018 ACTUAL	FY2019 BUDGET	FY2020 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>176 ZONING BOARD OF APPEALS</b>						
51000-51990 Personal Services	4,699	44,838	46,919	25,550	25,550	
52000-58990 Other Charges and Expenses	3,114	454	3,650	3,400	3,400	
ZONING BOARD OF APPEALS TOTAL	7,813	45,292	50,569	28,950	28,950	-42.8%

BUDGET NAME	FY 2017 ACTUAL	FY 2018 ACTUAL	FY2019 BUDGET	FY2020 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>177 OPEN SPACE</b>						
52000-58990 Other Charges and Expenses	1,496	1,500	1,500	2,000	2,000	
OPEN SPACE TOTAL	1,496	1,500	1,500	2,000	2,000	33.33%

BUDGET NAME	FY 2017 ACTUAL	FY 2018 ACTUAL	FY2019 BUDGET	FY2020 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>182 ECONOMIC DEVELOPMENT COMMITTEE</b>						
51000-51990 Personal Services	20,615	8,540	25,920	27,885	27,885	
52000-58990 Other Charges and Expenses	14,078	19,755	12,620	10,850	10,850	
ECONOMIC DEVELOPMENT COMMITTEE TOTAL	34,693	28,295	38,540	38,735	38,735	0.5%

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**190-199 Other**

<b>BUDGET NAME</b>	<b>FY 2017 ACTUAL</b>	<b>FY 2018 ACTUAL</b>	<b>FY2019 BUDGET</b>	<b>FY2020 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>192 PUBLIC BUILDINGS AND PROPERTIES MAINTENANCE</b>						
51000-51990 Personal Services	340,437	347,726	363,006	348,212	348,212	
52000-58990 Other Charges and Expenses	121,828	166,245	171,179	170,179	170,179	
PUBLIC BLDGS. & PROPERTY MAINT. TOTAL	462,265	513,971	534,185	518,391	518,391	-3.0%

**200-299 PUBLIC SAFETY**

<b>BUDGET NAME</b>	<b>FY 2017 ACTUAL</b>	<b>FY 2018 ACTUAL</b>	<b>FY2019 BUDGET</b>	<b>FY2020 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>210 POLICE DEPARTMENT</b>						
51000-51990 Personal Services	1,735,763	1,816,508	1,987,666	2,012,783	2,012,783	
52000-58990 Other Charges and Expenses	125,797	119,274	129,085	129,980	129,980	
POLICE DEPARTMENT TOTAL	1,861,560	1,935,782	2,116,751	2,142,763	2,142,763	1.2%

<b>BUDGET NAME</b>	<b>FY 2017 ACTUAL</b>	<b>FY 2018 ACTUAL</b>	<b>FY2019 BUDGET</b>	<b>FY2020 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>220 FIRE DEPARTMENT</b>						
51000-51990 Personal Services	1,809,391	1,905,704	1,962,945	1,976,148	1,976,148	
52000-58990 Other Charges and Expenses	181,814	187,857	193,813	187,176	187,176	
FIRE DEPARTMENT TOTAL	1,991,205	2,093,561	2,156,758	2,163,324	2,163,324	0.3%

<b>BUDGET NAME</b>	<b>FY 2017 ACTUAL</b>	<b>FY 2018 ACTUAL</b>	<b>FY2019 BUDGET</b>	<b>FY2020 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>241 BUILDING DEPARTMENT</b>						
51000-51990 Personal Services	125,101	121,418	130,701	120,228	120,228	
52000-58990 Other Charges and Expenses	9,549	8,226	10,775	10,775	10,775	
BUILDING DEPARTMENT TOTAL	134,650	129,644	141,476	131,003	131,003	-7.4%

<b>BUDGET NAME</b>	<b>FY 2017 ACTUAL</b>	<b>FY 2018 ACTUAL</b>	<b>FY2019 BUDGET</b>	<b>FY2020 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>291 CIVIL DEFENSE</b>						
51000-51990 Personal Services	2,926	2,926	3,926	3,926	3,926	
52000-58990 Other Charges and Expenses	6,066	6,395	6,464	8,224	8,224	
CIVIL DEFENSE TOTAL	8,992	9,321	10,390	12,150	12,150	16.9%

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BUDGET NAME	FY 2017 ACTUAL	FY 2018 ACTUAL	FY2019 BUDGET	FY2020 REQUEST	BOS RECOMM	Percent Inc./Decr.
<b>292 ANIMAL CONTROL OFFICER AND ANIMAL INSPECTOR</b>						
52000-58990 Other Charges and Expenses	27,650	27,720	28,212	28,490	28,490	
ANIMAL CONTROL OFF. & ANIMAL INSP. TOTAL	27,650	27,720	28,212	28,490	28,490	1.0%

***400-499 PUBLIC WORKS & FACILITIES***

BUDGET NAME	FY 2017 ACTUAL	FY 2018 ACTUAL	FY2019 BUDGET	FY2020 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>400, 420 DEPT. OF PUBLIC WORKS</b> (Highway, Cemetery, Tree)						
51000-51990 Personal Services	836,795	901,522	949,190	947,359	947,359	
52000-58990 Other Charges and Expenses	1,334,939	1,308,742	1,253,350	1,287,950	1,287,950	
DEPT. OF PUBLIC WORKS TOTAL	2,171,734	2,210,264	2,202,540	2,235,309	2,235,309	1.5%

***500-599 HUMAN SERVICES***

BUDGET NAME	FY 2017 ACTUAL	FY 2018 ACTUAL	FY2019 BUDGET	FY2020 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>510 ELECTED BOARD OF HEALTH</b>						
51000-51990 Personal Services	300	150	450	450	450	
ELECTED BOARD OF HEALTH TOTAL	300	150	450	450	450	0.0%

BUDGET NAME	FY 2017 ACTUAL	FY 2018 ACTUAL	FY2019 BUDGET	FY2020 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>512 BOARD OF HEALTH</b>						
51000-51990 Personal Services	102,078	104,297	106,944	109,605	109,605	
52000-58990 Other Charges and Expenses	48,997	55,148	55,939	55,817	55,817	
BOARD OF HEALTH TOTAL	151,075	159,445	162,883	165,422	165,422	1.6%

BUDGET NAME	FY 2017 ACTUAL	FY 2018 ACTUAL	FY2019 BUDGET	FY2020 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>541 COUNCIL ON AGING</b>						
51000-51990 Personal Services	229,494	248,607	255,124	267,038	267,038	
52000-58990 Other Charges and Expenses	57,731	59,213	61,145	60,915	60,915	
COUNCIL ON AGING TOTAL	287,225	307,820	316,269	327,953	327,953	3.7%

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BUDGET NAME	FY 2017 ACTUAL	FY 2018 ACTUAL	FY2019 BUDGET	FY2020 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>542 YOUTH COMMISSION</b>						
51000-51990 Personal Services	126,908	134,032	140,661	172,300	172,300	
52000-58990 Other Charges and Expenses	15,077	10,752	10,800	11,300	11,300	
YOUTH COMMISSION TOTAL	141,985	144,784	151,461	183,600	183,600	21.2%

BUDGET NAME	FY 2017 ACTUAL	FY 2018 ACTUAL	FY2019 BUDGET	FY2020 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>543 VETERANS' SERVICES</b>						
51000-51990 Personal Services	15,000	15,000	15,000	15,000	15,000	
52000-58990 Other Charges and Expenses	21,684	18,278	36,060	35,120	35,120	
VETERANS' SERVICES TOTAL	36,684	33,278	51,060	50,120	50,120	-1.8%

***600-699 CULTURE & RECREATION***

BUDGET NAME	FY 2017 ACTUAL	FY 2018 ACTUAL	FY2019 BUDGET	FY2020 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>610 LIBRARY</b>						
51000-51990 Personal Services	347,085	375,071	388,870	412,366	412,366	
52000-58990 Other Charges and Expenses	137,210	129,518	131,658	127,799	127,799	
LIBRARY TOTAL	484,295	504,589	520,528	540,165	540,165	3.8%

BUDGET NAME	FY 2017 ACTUAL	FY 2018 ACTUAL	FY2019 BUDGET	FY2020 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>630 RECREATION COMMISSION</b>						
51000-51990 Personal Services	121,122	125,622	128,510	135,814	135,814	
52000-58990 Other Charges and Expenses	9,368	8,979	9,900	9,900	9,900	
RECREATION COMMISSION TOTAL	130,490	134,601	138,410	145,714	145,714	5.3%
BUDGET NAME	FY 2017 ACTUAL	FY 2018 ACTUAL	FY2019 BUDGET	FY2020 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>691 HISTORICAL COMMISSION</b>						
52000-58990 Other Charges and Expenses	1,115	3,500	3,500	2,500	2,500	
HISTORICAL COMMISSION TOTAL	1,115	3,500	3,500	2,500	2,500	-28.6%

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<b>BUDGET NAME</b>	<b>FY 2017 ACTUAL</b>	<b>FY 2018 ACTUAL</b>	<b>FY2019 BUDGET</b>	<b>FY2020 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>692 MEMORIAL DAY</b>						
52000-58990 Other Charges and Expenses	2,950	3,050	3,150	3,150	3,150	
<b>MEMORIAL DAY TOTAL</b>	<b>2,950</b>	<b>3,050</b>	<b>3,150</b>	<b>3,150</b>	<b>3,150</b>	<b>0.0%</b>

***700-799 DEBT SERVICE***

<b>BUDGET NAME</b>	<b>FY 2017 ACTUAL</b>	<b>FY 2018 ACTUAL</b>	<b>FY2019 BUDGET</b>	<b>FY2020 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>DEBT PRINCIPAL AND DEBT INTEREST</b>						
0100-710-59100 Principal General Fund	2,808,123	2,507,043	2,617,060	2,397,976	2,397,976	
0100-751-59150 Interest General Fund	400,367	317,778	595,715	914,032	914,032	
<b>DEBT PRINCIPAL AND DEBT INTEREST TOTAL</b>	<b>3,208,490</b>	<b>2,824,821</b>	<b>3,212,775</b>	<b>3,312,008</b>	<b>3,312,008</b>	<b>3.1%</b>

***900-999 UNCLASSIFIED***

<b>BUDGET NAME</b>	<b>FY 2017 ACTUAL</b>	<b>FY 2018 ACTUAL</b>	<b>FY2019 BUDGET</b>	<b>FY2020 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>910 EMPLOYEE BENEFITS</b>						
51700 Police/Fire Accident and Workers' Comp.	204,058	224,210	239,877	238,636	238,636	
51710 Unemployment Payments	3,261	1,740	27,500	25,000	25,000	
51720 Health Insurance	4,045,173	4,402,669	4,767,440	5,038,971	5,038,971	
51730 Retirement Fund	1,531,807	1,611,713	1,777,094	1,959,533	1,959,533	
51740 Life Insurance	5,437	4,840	5,090	5,110	5,110	
51750 Flexible Spending Account	0	7,056	6,025	6,912	6,912	
51770 Medicare	320,412	333,997	334,168	357,495	357,495	
51780 Dental Insurance	200,073	216,688	229,242	239,549	239,549	
51785 Medicare B Penalty	16,863	17,527	17,535	17,740	17,740	
59660 Transfer to OPEB Trust	250,000	250,000	250,000	250,000	250,000	
<b>EMPLOYEE BENEFITS TOTAL</b>	<b>6,577,084</b>	<b>7,070,440</b>	<b>7,653,971</b>	<b>8,138,946</b>	<b>8,138,946</b>	<b>6.3%</b>

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<b>BUDGET NAME</b>	<b>FY 2017 ACTUAL</b>	<b>FY 2018 ACTUAL</b>	<b>FY2019 BUDGET</b>	<b>FY2020 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>930 BUDGET CAPITAL</b>						
<i>Police Cruisers - (2)</i>				97,528	97,528	
<i>Police - Taser Annual Replacement Plan</i>				9,892	9,892	
<i>Library - New Roof</i>				175,000	175,000	
52000-58990 Other Charges and Expenses	417,808	70,211	326,515	282,420	282,420	
<b>BUDGET CAPITAL TOTAL</b>	<b>417,808</b>	<b>70,211</b>	<b>326,515</b>	<b>282,420</b>	<b>282,420</b>	<b>-13.5%</b>

<b>BUDGET NAME</b>	<b>FY 2017 ACTUAL</b>	<b>FY 2018 ACTUAL</b>	<b>FY2019 BUDGET</b>	<b>FY2020 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>941 COURT JUDGMENTS</b>						
57600 Court Judgments	215,948	217,999	220,000	225,000	225,000	
<b>COURT JUDGMENTS TOTAL</b>	<b>215,948</b>	<b>217,999</b>	<b>220,000</b>	<b>225,000</b>	<b>225,000</b>	<b>2.3%</b>

<b>BUDGET NAME</b>	<b>FY 2017 ACTUAL</b>	<b>FY 2018 ACTUAL</b>	<b>FY2019 BUDGET</b>	<b>FY2020 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>945 LIABILITY INSURANCE</b>						
52000-58990 Other Charges and Expenses	249,495	245,886	263,131	272,340	272,340	
<b>LIABILITY INSURANCE TOTAL</b>	<b>249,495</b>	<b>245,886</b>	<b>263,131</b>	<b>272,340</b>	<b>272,340</b>	<b>3.5%</b>

***300-399 EDUCATION***

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<b>BUDGET NAME</b>	<b>FY 2017 ACTUAL</b>	<b>FY 2018 ACTUAL</b>	<b>FY2019 BUDGET</b>	<b>FY2020 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>300 ELECTED SCHOOL COMMITTEE</b>						
51000-51990 Personal Services	200	150	500	500	500	
ELECTED SCHOOL COMMITTEE						
TOTAL	200	150	500	500	500	0.00%

<b>BUDGET NAME</b>	<b>FY 2017 ACTUAL</b>	<b>FY 2018 ACTUAL</b>	<b>FY2019 BUDGET</b>	<b>FY2020 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>301 SOUTHBOROUGH SCHOOLS</b>						
<b>REGULAR DAY PROGRAMS</b>						
Administration	562,326	580,759	610,997	642,676	642,676	
Instruction	10,353,163	10,330,651	10,978,287	11,310,744	11,310,744	
Other Student Services	785,917	785,117	845,086	826,273	826,273	
Operation and Maintenance Buildings	1,695,499	1,706,742	1,691,826	1,680,550	1,680,550	
Fixed Charges	4,100	4,100	4,100	4,100	4,100	
Contractual Obligation	0	465,896	0	0	0	
REGULAR DAY PROGRAMS TOTAL	13,401,005	13,873,265	14,130,296	14,464,343	14,464,343	
<b>SPECIAL EDUCATION PROGRAMS</b>						
Administration	17,800	17,800	17,800	18,500	18,500	
Instruction	4,387,012	4,496,269	4,631,617	4,886,531	4,886,531	
Other Student Services	692,000	530,000	510,608	578,500	578,500	
Operation and Maintenance Buildings	7,000	7,000	4,500	5,000	5,000	
Programs, Other Systems in Massachusetts	831,046	788,924	1,111,165	868,000	868,000	
Programs, Member of Collaborative	66,000	68,000	0	0	0	
SPECIAL EDUCATION TOTAL	6,000,858	5,907,993	6,275,690	6,356,531	6,356,531	
<b>GRAND TOTAL OPERATING BUDGET</b>	<b>19,401,863</b>	<b>19,781,258</b>	<b>20,405,986</b>	<b>20,820,874</b>	<b>20,820,874</b>	<b>2.03%</b>



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<b>BUDGET NAME</b>	<b>FY 2017 ACTUAL</b>	<b>FY 2018 ACTUAL</b>	<b>FY2019 BUDGET</b>	<b>FY2020 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>302 ALGONQUIN REGIONAL HIGH SCHOOL</b>						
<b>REGULAR DAY PROGRAMS</b>						
Administration	615,887	628,305	663,443	688,349	688,349	
Instruction	10,600,887	10,582,115	11,509,251	11,440,824	11,440,824	
Other Student Services	1,889,703	1,902,072	2,003,707	2,029,191	2,029,191	
Operation and Maintenance Buildings	1,795,817	1,667,507	1,702,050	1,736,088	1,736,088	
Fixed Charges	3,390,748	3,686,120	3,620,778	3,875,748	3,875,748	
New Equipment	97,410	110,200	155,200	26,000	26,000	
Tuition, Other Public Schools	290,000	290,000	290,000	290,000	290,000	
Contractual Obligation	0	539,722	0	0	0	
<b>REGULAR DAY PROGRAMS TOTAL</b>	<b>18,680,452</b>	<b>19,406,041</b>	<b>19,944,429</b>	<b>20,086,200</b>	<b>20,086,200</b>	
<b>SPECIAL EDUCATION PROGRAMS</b>						
Administration	9,300	9,300	9,300	16,800	16,800	
Instruction	2,100,965	2,154,530	2,271,114	2,504,494	2,504,494	
Other Student Services	221,489	251,280	251,280	253,780	253,780	
Operation and Maintenance Buildings	2,000	2,000	2,000	2,000	2,000	
Fixed Charges	0	1,595	1,595	1,595	1,595	
Programs, Other Systems in Massachusetts	410,924	429,035	479,180	840,979	840,979	
Programs, Member of Collaborative	62,795	50,685	124,060	69,600	69,600	
<b>SPECIAL EDUCATION TOTAL</b>	<b>2,807,473</b>	<b>2,898,425</b>	<b>3,138,529</b>	<b>3,689,248</b>	<b>3,689,248</b>	
<b>GRAND TOTAL OPERATING BUDGET</b>	<b>21,487,925</b>	<b>22,304,466</b>	<b>23,082,958</b>	<b>23,775,448</b>	<b>23,775,448</b>	<b>3.0%</b>

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	NON EXEMPT	EXEMPT	TOTAL	BOS/ADV RECOMM	Percent Inc./Decr.
<b>FY 2020 SOUTHBOROUGH ASSESSMENT</b>	<b>7,631,929</b>	<b>421,058</b>	<b>8,052,987</b>		<b>-0.46%</b>

<b>BUDGET NAME</b>	<b>FY 2017 ACTUAL</b>	<b>FY 2018 ACTUAL</b>	<b>FY2019 BUDGET</b>	<b>FY2020 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>304 ASSABET VALLEY REGIONAL TECH HIGH SCHOOL</b>						
Southborough Operating Assessment	279,270	296,635	329,255	293,357	293,357	
Renovation Project - Capital Assessment	50,794	39,981	38,417	37,405	37,405	
<b>SOUTHBOROUGH ASSESSMENT</b>	<b>330,064</b>	<b>336,616</b>	<b>367,672</b>	<b>330,762</b>	<b>330,762</b>	<b>-10.0%</b>

<b>BUDGET NAME</b>	<b>FY 2017 ACTUAL</b>	<b>FY 2018 ACTUAL</b>	<b>FY2019 BUDGET</b>	<b>FY2020 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>305 NORFOLK COUNTY AGRICULTURAL HIGH SCHOOL</b>						
Tuition/Transportation Assessment	43,600	43,600	0	0	0	
<b>NORFOLK COUNTY AGRICULTURAL HIGH SCHOOL TOTAL</b>	<b>43,600</b>	<b>43,600</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.00%</b>

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**Proposed by: BOARD OF SELECTMEN**

**Summary:** See budget report including Advisory Committee and Board of Selectmen's FY20 recommendations. If the Advisory Committee recommendation differs from that of the Board of Selectmen, it shall be noted in that departmental budget.

**MOTION MADE:** That the Town vote to raise a sum of money not to exceed the sum of **\$52,773,634** as may be necessary for the Town's use, and make appropriations of the same.

Transfer from the Cemetery Perpetual care	15,000.00
Transfer from Free Cash	1,489,172.00
Transfer from Overlay Reserve	273,111.00
Transfer from Fay PS Donation Account	10,000.00
Transfer from Donation Account Harvard	10,000.00
Transfer from Ambulance Fund, Receipts Reserved (Fund 23)	407,000.00
Transfer from Septic Betterment Fund	52,079.00
Transfer from Reserve SBAB Fund Balance	30,836.00
Transfer from Water Enterprise Fund	131,239.00
Transfer from Fund 2261 "911 Revolving"	45,000.00
Transfer from 3487 DPW Fuel Tanks	83,030.00
Transfer from Bond premium reserve fund	220,789.00
AND that the Balance of \$50,006,378 be raised and appropriated.	

## ***100-199 GENERAL GOVERNMENT***

### ***110-119 Legislative***

<b>BUDGET NAME</b>	<b>FY 2017 ACTUAL</b>	<b>FY 2018 ACTUAL</b>	<b>FY2019 BUDGET</b>	<b>FY2020 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>114 MODERATOR</b>						
51000-51990 Personal Services	0	50	50	50	50	
52000-58990 Other Charges and Expenses	49	25	25	25	25	
<b>MODERATOR TOTAL</b>	<b>49</b>	<b>75</b>	<b>75</b>	<b>75</b>	<b>75</b>	<b>0.00%</b>

### ***120-129 Executive***

<b>BUDGET NAME</b>	<b>FY 2017 ACTUAL</b>	<b>FY 2018 ACTUAL</b>	<b>FY2019 BUDGET</b>	<b>FY2020 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>121 ELECTED BOARD OF SELECTMEN</b>						
51000-51990 Personal Services	3,800	3,800	4,000	4,000	4,000	
<b>ELECTED BOARD OF SELECTMEN TOTAL</b>	<b>3,800</b>	<b>3,800</b>	<b>4,000</b>	<b>4,000</b>	<b>4,000</b>	<b>0.00%</b>

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<b>BUDGET NAME</b>	<b>FY 2017 ACTUAL</b>	<b>FY 2018 ACTUAL</b>	<b>FY2019 BUDGET</b>	<b>FY2020 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>122 BOARD OF SELECTMEN</b>						
51000-51990 Personal Services	359,128	370,070	375,079	390,087	390,087	
52000-58990 Other Charges and Expenses	66,313	62,432	59,444	50,268	50,268	
<b>BOARD OF SELECTMEN TOTAL</b>	<b>425,441</b>	<b>432,502</b>	<b>434,523</b>	<b>440,355</b>	<b>440,355</b>	<b>1.3%</b>

**130-149 Financial Administration**

<b>BUDGET NAME</b>	<b>FY 2017 ACTUAL</b>	<b>FY 2018 ACTUAL</b>	<b>FY2019 BUDGET</b>	<b>FY2020 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>131 ADVISORY COMMITTEE</b>						
52000-58990 Other Charges and Expenses	901	341	806	2,500	2,500	
<b>ADVISORY COMMITTEE TOTAL</b>	<b>901</b>	<b>341</b>	<b>806</b>	<b>2,500</b>	<b>2,500</b>	<b>210.2%</b>

<b>BUDGET NAME</b>	<b>FY 2017 ACTUAL</b>	<b>FY 2018 ACTUAL</b>	<b>FY2019 BUDGET</b>	<b>FY2020 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>132 RESERVE FUND</b>						
52000-58990 Other Charges and Expenses	150,000	150,000	200,000	180,000	180,000	
<b>RESERVE FUND TOTAL</b>	<b>150,000</b>	<b>150,000</b>	<b>200,000</b>	<b>180,000</b>	<b>180,000</b>	<b>-10.0%</b>

<b>BUDGET NAME</b>	<b>FY 2017 ACTUAL</b>	<b>FY 2018 ACTUAL</b>	<b>FY2019 BUDGET</b>	<b>FY2020 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>135 TOWN ACCOUNTANT</b>						
51000-51990 Personal Services	141,815	128,230	147,338	157,963	157,963	
52000-58990 Other Charges and Expenses	1,666	2,439	3,465	2,265	2,265	
<b>TOWN ACCOUNTANT TOTAL</b>	<b>143,481</b>	<b>130,669</b>	<b>150,803</b>	<b>160,228</b>	<b>160,228</b>	<b>6.2%</b>

<b>BUDGET NAME</b>	<b>FY 2017 ACTUAL</b>	<b>FY 2018 ACTUAL</b>	<b>FY2019 BUDGET</b>	<b>FY2020 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>136 AUDIT</b>						
52000-58990 Other Charges and Expenses	24,700	32,500	26,140	34,450	34,450	
<b>AUDIT TOTAL</b>	<b>24,700</b>	<b>32,500</b>	<b>26,140</b>	<b>34,450</b>	<b>34,450</b>	<b>31.8%</b>

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BUDGET NAME	FY 2017 ACTUAL	FY 2018 ACTUAL	FY2019 BUDGET	FY2020 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>140 ELECTED BOARD OF ASSESSORS</b>						
51000-51990 Personal Services	2,250	2,250	2,250	2,250	2,250	
ELECTED BOARD OF ASSESSORS						
TOTAL	2,250	2,250	2,250	2,250	2,250	0.0%

BUDGET NAME	FY 2017 ACTUAL	FY 2018 ACTUAL	FY2019 BUDGET	FY2020 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>141 ASSESSORS</b>						
51000-51990 Personal Services	160,652	167,235	171,013	177,243	177,243	
52000-58990 Other Charges and Expenses	31,635	31,165	34,150	34,045	34,045	
ASSESSORS TOTAL	192,287	198,400	205,163	211,288	211,288	3.0%

BUDGET NAME	FY 2017 ACTUAL	FY 2018 ACTUAL	FY2019 BUDGET	FY2020 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>145 TREASURER/COLLECTOR</b>						
51000-51990 Personal Services	191,797	198,938	204,697	214,439	214,439	
52000-58990 Other Charges and Expenses	20,634	10,302	12,550	10,375	10,375	
TREASURER/COLLECTOR TOTAL	212,431	209,240	217,247	224,814	224,814	3.5%

**150-159 Operations Support**

BUDGET NAME	FY 2017 ACTUAL	FY 2018 ACTUAL	FY2019 BUDGET	FY2020 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>151 LEGAL</b>						
52000-58990 Other Charges and Expenses	85,567	94,158	95,000	95,000	95,000	
LEGAL TOTAL	85,567	94,158	95,000	95,000	95,000	0.0%

BUDGET NAME	FY 2017 ACTUAL	FY 2018 ACTUAL	FY2019 BUDGET	FY2020 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>152 PERSONNEL BOARD</b>						
51000-51990 Personal Services	2,000	2,000	1,250	5,000	5,000	
52000-58990 Other Charges and Expenses	12,592	21,160	17,450	11,435	11,435	
PERSONNEL BOARD TOTAL	14,592	23,160	18,700	16,435	16,435	-12.1%

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<b>BUDGET NAME</b>	<b>FY 2017 ACTUAL</b>	<b>FY 2018 ACTUAL</b>	<b>FY2019 BUDGET</b>	<b>FY2020 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>153 SPECIAL LEGAL COUNSEL</b>						
52000-58990 Other Charges and Expenses	46,905	89,492	55,000	50,000	50,000	
<b>SPECIAL LEGAL COUNSEL TOTAL</b>	<b>46,905</b>	<b>89,492</b>	<b>55,000</b>	<b>50,000</b>	<b>50,000</b>	<b>-9.1%</b>

<b>BUDGET NAME</b>	<b>FY 2017 ACTUAL</b>	<b>FY 2018 ACTUAL</b>	<b>FY2019 BUDGET</b>	<b>FY2020 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>154 MUNICIPAL TECNOLOGY COMMITTEE</b>						
52000-58990 Other Charges and Expenses	0	0	0	1,000	1,000	
<b>MUNI. TECHNOLOGY COMMITTEE TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1,000</b>	<b>1,000</b>	<b>N/A</b>

<b>BUDGET NAME</b>	<b>FY 2017 ACTUAL</b>	<b>FY 2018 ACTUAL</b>	<b>FY2019 BUDGET</b>	<b>FY2020 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>155 TECHNOLOGY</b>						
51000-51990 Personal Services	81,629	94,195	96,422	99,615	99,615	
52000-58990 Other Charges and Expenses	161,428	185,364	215,229	210,239	210,239	
<b>MANAGEMENT INFORMATION SYSTEMS TOTAL</b>	<b>243,057</b>	<b>279,559</b>	<b>311,651</b>	<b>309,854</b>	<b>309,854</b>	<b>-0.6%</b>

<b>BUDGET NAME</b>	<b>FY 2017 ACTUAL</b>	<b>FY 2018 ACTUAL</b>	<b>FY2019 BUDGET</b>	<b>FY2020 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>159 OTHER OPERATION SUPPORT</b>						
52000-58990 Other Charges and Expenses	313,504	332,818	341,297	359,895	359,895	
<b>OTHER OPERATION SUPPORT TOTAL</b>	<b>313,504</b>	<b>332,818</b>	<b>341,297</b>	<b>359,895</b>	<b>359,895</b>	<b>5.4%</b>

***160-169 Licensing and Registration***

<b>BUDGET NAME</b>	<b>FY 2017 ACTUAL</b>	<b>FY 2018 ACTUAL</b>	<b>FY2019 BUDGET</b>	<b>FY2020 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>160 ELECTED TOWN CLERK</b>						
51000-51990 Personal Services	50,284	66,674	83,064	85,141	85,141	
<b>TOWN CLERK TOTAL</b>	<b>50,284</b>	<b>66,674</b>	<b>83,064</b>	<b>85,141</b>	<b>85,141</b>	<b>2.5%</b>

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<b>BUDGET NAME</b>	<b>FY 2017 ACTUAL</b>	<b>FY 2018 ACTUAL</b>	<b>FY2019 BUDGET</b>	<b>FY2020 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>161 TOWN CLERK</b>						
51000-51990 Personal Services	129,310	117,342	126,269	125,247	125,247	
52000-58990 Other Charges and Expenses	78,725	95,695	82,450	66,479	66,479	
<b>TOWN CLERK TOTAL</b>	<b>208,035</b>	<b>213,037</b>	<b>208,719</b>	<b>191,726</b>	<b>191,726</b>	<b>-8.1%</b>

***170-189 Land Use and Development***

<b>BUDGET NAME</b>	<b>FY 2017 ACTUAL</b>	<b>FY 2018 ACTUAL</b>	<b>FY2019 BUDGET</b>	<b>FY2020 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>171 CONSERVATION COMMISSION</b>						
51000-51990 Personal Services	49,915	56,395	58,567	68,866	68,866	
52000-58990 Other Charges and Expenses	9,910	9,639	14,525	21,125	21,125	
<b>CONSERVATION COMMISSION TOTAL</b>	<b>59,825</b>	<b>66,034</b>	<b>73,092</b>	<b>89,991</b>	<b>89,991</b>	<b>23.1%</b>

<b>BUDGET NAME</b>	<b>FY 2017 ACTUAL</b>	<b>FY 2018 ACTUAL</b>	<b>FY2019 BUDGET</b>	<b>FY2020 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>175 PLANNING BOARD</b>						
51000-51990 Personal Services	125,884	113,316	135,212	135,546	135,546	
52000-58990 Other Charges and Expenses	22,999	29,556	17,160	23,060	23,060	
<b>PLANNING BOARD TOTAL</b>	<b>148,883</b>	<b>142,872</b>	<b>152,372</b>	<b>158,606</b>	<b>158,606</b>	<b>4.1%</b>

<b>BUDGET NAME</b>	<b>FY 2017 ACTUAL</b>	<b>FY 2018 ACTUAL</b>	<b>FY2019 BUDGET</b>	<b>FY2020 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>176 ZONING BOARD OF APPEALS</b>						
51000-51990 Personal Services	4,699	44,838	46,919	25,550	25,550	
52000-58990 Other Charges and Expenses	3,114	454	3,650	3,400	3,400	
<b>ZONING BOARD OF APPEALS TOTAL</b>	<b>7,813</b>	<b>45,292</b>	<b>50,569</b>	<b>28,950</b>	<b>28,950</b>	<b>-42.8%</b>

<b>BUDGET NAME</b>	<b>FY 2017 ACTUAL</b>	<b>FY 2018 ACTUAL</b>	<b>FY2019 BUDGET</b>	<b>FY2020 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>177 OPEN SPACE</b>						
52000-58990 Other Charges and Expenses	1,496	1,500	1,500	2,000	2,000	
<b>OPEN SPACE TOTAL</b>	<b>1,496</b>	<b>1,500</b>	<b>1,500</b>	<b>2,000</b>	<b>2,000</b>	<b>33.33%</b>

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BUDGET NAME	FY 2017 ACTUAL	FY 2018 ACTUAL	FY2019 BUDGET	FY2020 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>182 ECONOMIC DEVELOPMENT COMMITTEE</b>						
51000-51990 Personal Services	20,615	8,540	25,920	27,885	27,885	
52000-58990 Other Charges and Expenses	14,078	19,755	12,620	10,850	10,850	
ECONOMIC DEVELOPMENT COMMITTEE TOTAL	34,693	28,295	38,540	38,735	38,735	0.5%

*190-199 Other*

BUDGET NAME	FY 2017 ACTUAL	FY 2018 ACTUAL	FY2019 BUDGET	FY2020 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>192 PUBLIC BUILDINGS AND PROPERTIES MAINTENANCE</b>						
51000-51990 Personal Services	340,437	347,726	363,006	348,212	348,212	
52000-58990 Other Charges and Expenses	121,828	166,245	171,179	170,179	170,179	
PUBLIC BLDGS. & PROPERTY MAINT. TOTAL	462,265	513,971	534,185	518,391	518,391	-3.0%

**200-299 PUBLIC SAFETY**

BUDGET NAME	FY 2017 ACTUAL	FY 2018 ACTUAL	FY2019 BUDGET	FY2020 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>210 POLICE DEPARTMENT</b>						
51000-51990 Personal Services	1,735,763	1,816,508	1,987,666	2,012,783	2,012,783	
52000-58990 Other Charges and Expenses	125,797	119,274	129,085	129,980	129,980	
POLICE DEPARTMENT TOTAL	1,861,560	1,935,782	2,116,751	2,142,763	2,142,763	1.2%

BUDGET NAME	FY 2017 ACTUAL	FY 2018 ACTUAL	FY2019 BUDGET	FY2020 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>220 FIRE DEPARTMENT</b>						
51000-51990 Personal Services	1,809,391	1,905,704	1,962,945	1,976,148	1,976,148	
52000-58990 Other Charges and Expenses	181,814	187,857	193,813	187,176	187,176	
FIRE DEPARTMENT TOTAL	1,991,205	2,093,561	2,156,758	2,163,324	2,163,324	0.3%

BUDGET NAME	FY 2017 ACTUAL	FY 2018 ACTUAL	FY2019 BUDGET	FY2020 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>241 BUILDING DEPARTMENT</b>						
51000-51990 Personal Services	125,101	121,418	130,701	120,228	120,228	
52000-58990 Other Charges and Expenses	9,549	8,226	10,775	10,775	10,775	
BUILDING DEPARTMENT TOTAL	134,650	129,644	141,476	131,003	131,003	-7.4%



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BUDGET NAME	FY 2017 ACTUAL	FY 2018 ACTUAL	FY2019 BUDGET	FY2020 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>291 CIVIL DEFENSE</b>						
51000-51990 Personal Services	2,926	2,926	3,926	3,926	3,926	
52000-58990 Other Charges and Expenses	6,066	6,395	6,464	8,224	8,224	
CIVIL DEFENSE TOTAL	8,992	9,321	10,390	12,150	12,150	16.9%

BUDGET NAME	FY 2017 ACTUAL	FY 2018 ACTUAL	FY2019 BUDGET	FY2020 REQUEST	BOS RECOMM	Percent Inc./Decr.
<b>292 ANIMAL CONTROL OFFICER AND ANIMAL INSPECTOR</b>						
52000-58990 Other Charges and Expenses	27,650	27,720	28,212	28,490	28,490	
ANIMAL CONTROL OFF. & ANIMAL INSP. TOTAL	27,650	27,720	28,212	28,490	28,490	1.0%

### ***400-499 PUBLIC WORKS & FACILITIES***

BUDGET NAME	FY 2017 ACTUAL	FY 2018 ACTUAL	FY2019 BUDGET	FY2020 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>400, 420 DEPT. OF PUBLIC WORKS</b> (Highway, Cemetery, Tree)						
51000-51990 Personal Services	836,795	901,522	949,190	947,359	947,359	
52000-58990 Other Charges and Expenses	1,334,939	1,308,742	1,253,350	1,287,950	1,287,950	
DEPT. OF PUBLIC WORKS TOTAL	2,171,734	2,210,264	2,202,540	2,235,309	2,235,309	1.5%

### ***500-599 HUMAN SERVICES***

BUDGET NAME	FY 2017 ACTUAL	FY 2018 ACTUAL	FY2019 BUDGET	FY2020 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>510 ELECTED BOARD OF HEALTH</b>						
51000-51990 Personal Services	300	150	450	450	450	
ELECTED BOARD OF HEALTH TOTAL	300	150	450	450	450	0.0%

BUDGET NAME	FY 2017 ACTUAL	FY 2018 ACTUAL	FY2019 BUDGET	FY2020 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>512 BOARD OF HEALTH</b>						
51000-51990 Personal Services	102,078	104,297	106,944	109,605	109,605	
52000-58990 Other Charges and Expenses	48,997	55,148	55,939	55,817	55,817	
BOARD OF HEALTH TOTAL	151,075	159,445	162,883	165,422	165,422	1.6%

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<b>BUDGET NAME</b>	<b>FY 2017 ACTUAL</b>	<b>FY 2018 ACTUAL</b>	<b>FY2019 BUDGET</b>	<b>FY2020 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>541 COUNCIL ON AGING</b>						
51000-51990 Personal Services	229,494	248,607	255,124	267,038	267,038	
52000-58990 Other Charges and Expenses	57,731	59,213	61,145	60,915	60,915	
<b>COUNCIL ON AGING TOTAL</b>	<b>287,225</b>	<b>307,820</b>	<b>316,269</b>	<b>327,953</b>	<b>327,953</b>	<b>3.7%</b>

<b>BUDGET NAME</b>	<b>FY 2017 ACTUAL</b>	<b>FY 2018 ACTUAL</b>	<b>FY2019 BUDGET</b>	<b>FY2020 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>542 YOUTH COMMISSION</b>						
51000-51990 Personal Services	126,908	134,032	140,661	172,300	172,300	
52000-58990 Other Charges and Expenses	15,077	10,752	10,800	11,300	11,300	
<b>YOUTH COMMISSION TOTAL</b>	<b>141,985</b>	<b>144,784</b>	<b>151,461</b>	<b>183,600</b>	<b>183,600</b>	<b>21.2%</b>

<b>BUDGET NAME</b>	<b>FY 2017 ACTUAL</b>	<b>FY 2018 ACTUAL</b>	<b>FY2019 BUDGET</b>	<b>FY2020 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>543 VETERANS' SERVICES</b>						
51000-51990 Personal Services	15,000	15,000	15,000	15,000	15,000	
52000-58990 Other Charges and Expenses	21,684	18,278	36,060	35,120	35,120	
<b>VETERANS' SERVICES TOTAL</b>	<b>36,684</b>	<b>33,278</b>	<b>51,060</b>	<b>50,120</b>	<b>50,120</b>	<b>-1.8%</b>

***600-699 CULTURE & RECREATION***

<b>BUDGET NAME</b>	<b>FY 2017 ACTUAL</b>	<b>FY 2018 ACTUAL</b>	<b>FY2019 BUDGET</b>	<b>FY2020 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>610 LIBRARY</b>						
51000-51990 Personal Services	347,085	375,071	388,870	412,366	412,366	
52000-58990 Other Charges and Expenses	137,210	129,518	131,658	127,799	127,799	
<b>LIBRARY TOTAL</b>	<b>484,295</b>	<b>504,589</b>	<b>520,528</b>	<b>540,165</b>	<b>540,165</b>	<b>3.8%</b>

<b>BUDGET NAME</b>	<b>FY 2017 ACTUAL</b>	<b>FY 2018 ACTUAL</b>	<b>FY2019 BUDGET</b>	<b>FY2020 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>630 RECREATION COMMISSION</b>						
51000-51990 Personal Services	121,122	125,622	128,510	135,814	135,814	
52000-58990 Other Charges and Expenses	9,368	8,979	9,900	9,900	9,900	
<b>RECREATION COMMISSION TOTAL</b>	<b>130,490</b>	<b>134,601</b>	<b>138,410</b>	<b>145,714</b>	<b>145,714</b>	<b>5.3%</b>

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<b>BUDGET NAME</b>	<b>FY 2017 ACTUAL</b>	<b>FY 2018 ACTUAL</b>	<b>FY2019 BUDGET</b>	<b>FY2020 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>691 HISTORICAL COMMISSION</b>						
52000-58990 Other Charges and Expenses	1,115	3,500	3,500	2,500	2,500	
HISTORICAL COMMISSION TOTAL	1,115	3,500	3,500	2,500	2,500	-28.6%
<b>BUDGET NAME</b>	<b>FY 2017 ACTUAL</b>	<b>FY 2018 ACTUAL</b>	<b>FY2019 BUDGET</b>	<b>FY2020 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>692 MEMORIAL DAY</b>						
52000-58990 Other Charges and Expenses	2,950	3,050	3,150	3,150	3,150	
MEMORIAL DAY TOTAL	2,950	3,050	3,150	3,150	3,150	0.0%

### ***700-799 DEBT SERVICE***

<b>BUDGET NAME</b>	<b>FY 2017 ACTUAL</b>	<b>FY 2018 ACTUAL</b>	<b>FY2019 BUDGET</b>	<b>FY2020 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>DEBT PRINCIPAL AND DEBT INTEREST</b>						
0100-710-59100 Principal General Fund	2,808,123	2,507,043	2,617,060	2,397,976	2,397,976	
0100-751-59150 Interest General Fund	400,367	317,778	595,715	914,032	914,032	
DEBT PRINCIPAL AND DEBT INTEREST TOTAL	3,208,490	2,824,821	3,212,775	3,312,008	3,312,008	3.1%

### ***900-999 UNCLASSIFIED***

<b>BUDGET NAME</b>	<b>FY 2017 ACTUAL</b>	<b>FY 2018 ACTUAL</b>	<b>FY2019 BUDGET</b>	<b>FY2020 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>910 EMPLOYEE BENEFITS</b>						
51700 Police/Fire Accident and Workers' Comp.	204,058	224,210	239,877	238,636	238,636	
51710 Unemployment Payments	3,261	1,740	27,500	25,000	25,000	
51720 Health Insurance	4,045,173	4,402,669	4,767,440	5,038,971	5,038,971	
51730 Retirement Fund	1,531,807	1,611,713	1,777,094	1,959,533	1,959,533	
51740 Life Insurance	5,437	4,840	5,090	5,110	5,110	
51750 Flexible Spending Account	0	7,056	6,025	6,912	6,912	
51770 Medicare	320,412	333,997	334,168	357,495	357,495	
51780 Dental Insurance	200,073	216,688	229,242	239,549	239,549	
51785 Medicare B Penalty	16,863	17,527	17,535	17,740	17,740	
59660 Transfer to OPEB Trust	250,000	250,000	250,000	250,000	250,000	
EMPLOYEE BENEFITS TOTAL	6,577,084	7,070,440	7,653,971	8,138,946	8,138,946	6.3%

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<b>BUDGET NAME</b>	<b>FY 2017 ACTUAL</b>	<b>FY 2018 ACTUAL</b>	<b>FY2019 BUDGET</b>	<b>FY2020 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>930 BUDGET CAPITAL</b>						
<i>Police Cruisers - (2)</i>				97,528	97,528	
<i>Police - Taser Annual Replacement Plan</i>				9,892	9,892	
<i>Library - New Roof</i>				175,000	175,000	
52000-58990 Other Charges and Expenses	417,808	70,211	326,515	282,420	282,420	
<b>BUDGET CAPITAL TOTAL</b>	<b>417,808</b>	<b>70,211</b>	<b>326,515</b>	<b>282,420</b>	<b>282,420</b>	<b>-13.5%</b>

<b>BUDGET NAME</b>	<b>FY 2017 ACTUAL</b>	<b>FY 2018 ACTUAL</b>	<b>FY2019 BUDGET</b>	<b>FY2020 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>941 COURT JUDGMENTS</b>						
57600 Court Judgments	215,948	217,999	220,000	225,000	225,000	
<b>COURT JUDGMENTS TOTAL</b>	<b>215,948</b>	<b>217,999</b>	<b>220,000</b>	<b>225,000</b>	<b>225,000</b>	<b>2.3%</b>

<b>BUDGET NAME</b>	<b>FY 2017 ACTUAL</b>	<b>FY 2018 ACTUAL</b>	<b>FY2019 BUDGET</b>	<b>FY2020 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>945 LIABILITY INSURANCE</b>						
52000-58990 Other Charges and Expenses	249,495	245,886	263,131	272,340	272,340	
<b>LIABILITY INSURANCE TOTAL</b>	<b>249,495</b>	<b>245,886</b>	<b>263,131</b>	<b>272,340</b>	<b>272,340</b>	<b>3.5%</b>

### **300-399 EDUCATION**

<b>BUDGET NAME</b>	<b>FY 2017 ACTUAL</b>	<b>FY 2018 ACTUAL</b>	<b>FY2019 BUDGET</b>	<b>FY2020 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>300 ELECTED SCHOOL COMMITTEE</b>						
51000-51990 Personal Services	200	150	500	500	500	
<b>ELECTED SCHOOL COMMITTEE TOTAL</b>	<b>200</b>	<b>150</b>	<b>500</b>	<b>500</b>	<b>500</b>	<b>0.00%</b>

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<b>BUDGET NAME</b>	<b>FY 2017 ACTUAL</b>	<b>FY 2018 ACTUAL</b>	<b>FY2019 BUDGET</b>	<b>FY2020 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>301 SOUTHBOROUGH SCHOOLS</b>						
<b>REGULAR DAY PROGRAMS</b>						
Administration	562,326	580,759	610,997	642,676	642,676	
Instruction	10,353,163	10,330,651	10,978,287	11,310,744	11,310,744	
Other Student Services	785,917	785,117	845,086	826,273	826,273	
Operation and Maintenance Buildings	1,695,499	1,706,742	1,691,826	1,680,550	1,680,550	
Fixed Charges	4,100	4,100	4,100	4,100	4,100	
Contractual Obligation	0	465,896	0	0	0	
<b>REGULAR DAY PROGRAMS TOTAL</b>	<b>13,401,005</b>	<b>13,873,265</b>	<b>14,130,296</b>	<b>14,464,343</b>	<b>14,464,343</b>	
<b>SPECIAL EDUCATION PROGRAMS</b>						
Administration	17,800	17,800	17,800	18,500	18,500	
Instruction	4,387,012	4,496,269	4,631,617	4,886,531	4,886,531	
Other Student Services	692,000	530,000	510,608	578,500	578,500	
Operation and Maintenance Buildings	7,000	7,000	4,500	5,000	5,000	
Programs, Other Systems in Massachusetts	831,046	788,924	1,111,165	868,000	868,000	
Programs, Member of Collaborative	66,000	68,000	0	0	0	
<b>SPECIAL EDUCATION TOTAL</b>	<b>6,000,858</b>	<b>5,907,993</b>	<b>6,275,690</b>	<b>6,356,531</b>	<b>6,356,531</b>	
<b>GRAND TOTAL OPERATING BUDGET</b>	<b>19,401,863</b>	<b>19,781,258</b>	<b>20,405,986</b>	<b>20,820,874</b>	<b>20,820,874</b>	<b>2.03%</b>

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<b>BUDGET NAME</b>	<b>FY 2017 ACTUAL</b>	<b>FY 2018 ACTUAL</b>	<b>FY2019 BUDGET</b>	<b>FY2020 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>302 ALGONQUIN REGIONAL HIGH SCHOOL</b>						
<b>REGULAR DAY PROGRAMS</b>						
Administration	615,887	628,305	663,443	688,349	688,349	
Instruction	10,600,887	10,582,115	11,509,251	11,440,824	11,440,824	
Other Student Services	1,889,703	1,902,072	2,003,707	2,029,191	2,029,191	
Operation and Maintenance Buildings	1,795,817	1,667,507	1,702,050	1,736,088	1,736,088	
Fixed Charges	3,390,748	3,686,120	3,620,778	3,875,748	3,875,748	
New Equipment	97,410	110,200	155,200	26,000	26,000	
Tuition, Other Public Schools	290,000	290,000	290,000	290,000	290,000	
Contractual Obligation	0	539,722	0	0	0	
<b>REGULAR DAY PROGRAMS TOTAL</b>	<b>18,680,452</b>	<b>19,406,041</b>	<b>19,944,429</b>	<b>20,086,200</b>	<b>20,086,200</b>	
<b>SPECIAL EDUCATION PROGRAMS</b>						
Administration	9,300	9,300	9,300	16,800	16,800	
Instruction	2,100,965	2,154,530	2,271,114	2,504,494	2,504,494	
Other Student Services	221,489	251,280	251,280	253,780	253,780	
Operation and Maintenance Buildings	2,000	2,000	2,000	2,000	2,000	
Fixed Charges	0	1,595	1,595	1,595	1,595	
Programs, Other Systems in Massachusetts	410,924	429,035	479,180	840,979	840,979	
Programs, Member of Collaborative	62,795	50,685	124,060	69,600	69,600	
<b>SPECIAL EDUCATION TOTAL</b>	<b>2,807,473</b>	<b>2,898,425</b>	<b>3,138,529</b>	<b>3,689,248</b>	<b>3,689,248</b>	
<b>GRAND TOTAL OPERATING BUDGET</b>	<b>21,487,925</b>	<b>22,304,466</b>	<b>23,082,958</b>	<b>23,775,448</b>	<b>23,775,448</b>	<b>3.0%</b>

	<b>NON EXEMPT</b>	<b>EXEMPT</b>	<b>TOTAL</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>FY 2020 SOUTHBOROUGH ASSESSMENT</b>	<b>7,631,929</b>	<b>421,058</b>	<b>8,052,987</b>		<b>-0.46%</b>

<b>BUDGET NAME</b>	<b>FY 2017 ACTUAL</b>	<b>FY 2018 ACTUAL</b>	<b>FY2019 BUDGET</b>	<b>FY2020 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>304 ASSABET VALLEY REGIONAL TECH HIGH SCHOOL</b>						
Southborough Operating Assessment	279,270	296,635	329,255	293,357	293,357	
Renovation Project - Capital Assessment	50,794	39,981	38,417	37,405	37,405	
<b>SOUTHBOROUGH ASSESSMENT</b>	<b>330,064</b>	<b>336,616</b>	<b>367,672</b>	<b>330,762</b>	<b>330,762</b>	<b>-10.0%</b>

	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY2019</b>	<b>FY2020</b>	<b>BOS/ADV</b>	<b>Percent</b>
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BUDGET NAME	ACTUAL	ACTUAL	BUDGET	REQUEST	RECOMM	Inc./Decr.
<b>305 NORFOLK COUNTY AGRICULTURAL HIGH SCHOOL</b>						
Tuition/Transportation Assessment	43,600	43,600	0	0	0	
NORFOLK COUNTY AGRICULTURAL						
HIGH SCHOOL TOTAL	43,600	43,600	0	0	0	0.00%

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**MOTION MADE:** That the town vote to combine all the budgets for one vote and to pass them.  
(Articles 161, 182, 192 and 630 were held.)

**MOTION PASSED.**

**MOTION MADE:** That the town vote to pass budget 161 Town Clerk Department as written in the warrant.

**MOTION PASSED UNANIMOUSLY.**

**MOTION MADE:** That the town vote to reduce budget 182 Economic Development Committee by \$10,000.

**MOTION FAILED.**

**MOTION MADE:** That the town vote to pass budget 192 Public Buildings and Properties Maintenance as written in the budget.

**MOTION PASSED.**

**MOTION MADE:** That the town vote to pass budget 630 Recreation Commission as written in the warrant.

**MOTION PASSED.**

**ARTICLE 12:** To see if the Town will vote to raise a sum of money as may be necessary for the Water Enterprise Fund's use for Fiscal Year 2020, and make appropriations of the same, as detailed following, and that the fund balances within the water special revenue fund at June 30, 2019 be transferred to the water enterprise fund effective July 1, 2019, or do or act anything in relation thereto.

BUDGET NAME	FY 2017 ACTUAL	FY 2018 ACTUAL	FY2019 BUDGET	FY2020 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>450 DEPT. OF PUBLIC WORKS - WATER</b>						
51000-51990 Personal Services	336,035	334,049	358,529	343,867	343,867	
52000-58990 Other Charges and Expenses	1,257,946	1,310,228	1,322,400	1,317,400	1,317,400	
59100 Principal Water Fund	290,000	290,000	290,000	290,000	290,000	
59150 Interest Water Fund	121,429	114,622	107,604	119,603	119,603	
59510 Indirect Costs	65,000	90,000	90,000	131,239	131,239	
<b>DEPT. OF PUBLIC WORKS - WATER TOTAL</b>	<b>2,070,410</b>	<b>2,138,899</b>	<b>2,168,533</b>	<b>2,202,109</b>	<b>2,202,109</b>	<b>1.5%</b>

**Proposed by: BOARD OF SELECTMEN**

**Summary:** See budget report including Advisory Committee and Board of Selectmen's FY20 recommendations. If the Advisory Committee recommendation differs from that of the Board of Selectmen, it shall be noted in that departmental budget.

**MOTION MADE:** That \$2,070,870 be appropriated for the Water Enterprise fund, of which \$343,867 is for personal services, \$1,727,003 is for expenses; and that \$131,239 be included in appropriations from the general fund for indirect costs and be allocated to the Water Enterprise fund, and that \$2,202,109 be raised as follows:



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FY20 Revenues \$2,202,109.00

**MOTION PASSED.**

**ARTICLE 13:** To see if the Town will vote to raise and appropriate, or transfer from available funds a sum of money for General Government capital items for the following purposes:

	DESCRIPTION	REQUEST	LEVY	OTHER FUNDS
A.	IT – Private Fiber Extension to Overlook Road	\$ 30,100	\$ 30,100	
B.	Library – Basement Waterproofing	\$450,000	\$450,000	
C.	Library – A/C Condenser (Engineering & Installation)	\$100,000	\$100,000	
D.	Police – Cruiser Camera System	\$ 3,555	\$ 3,555	
E.	DPW – Cemetery Tractor	\$ 12,000	\$ 12,000	
F.	DPW – Large Truck & Equipment Body Work	\$ 18,000	\$ 18,000	
G.	DPW – Road Maintenance	\$ 284,000	\$284,000	
H.	Recreation – Kallander Field Engineering & Study	\$ 15,000	\$ 15,000	
I.	Fire – Breathing Air Compressor	\$ 60,000		\$ 60,000
J.	Fire – Radio System Upgrades	\$ 70,000		\$ 70,000

, or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation:** At Town Meeting

**Advisory Committee Recommendation:** At Town Meeting

**Summary:**

*A. To extend the private fiber network to the Overlook Road water tower for the purpose of improving the connectivity of the Public Safety Radio system and any other future data communication needs at this site;*

*B. This article will provide funds to be used toward the implementation of engineering firm recommendations on how to minimize the possibility of future flooding issues within the lower level of the Library as well as equipment necessary to implement these mitigation efforts. Funding amount is a ceiling and further estimates and recommendations may reduce the amount requested;*

*C. This article will provide the funds needed for engineering related to and the replacement of the failing roof top mounted air conditioner condensing unit with a new ground mounted unit and various related components at the Southborough Library;*

*D. This will replace one cruiser camera system which have a 5 year life cycle and this system is outside the expected useful life;*

*E. These funds, combined with funds from a Cemetery Trust Fund, will purchase a replacement for an undersized tractor currently in use at the Cemetery;*

*F. These funds will be used to convert the administrative pick-up truck into a service truck with a transfer fuel tank;*

*G. These funds are for public roadway, sidewalks and walkway maintenance, repair and construction throughout town;*

*H. This money is for design work for improvements to Kallander Field. Improvements include turf and drainage repair within the town owned property;*

*I. The breathing air compressor is a unit located in the fire station and is used to refill the self-contained breathing apparatus bottles carried on the fire apparatus. The unit being replaced is 15 years old and does not have the capability to fill the pressure in the bottles due to the changes in technology. The current system can fill up to 4,500 psi SCBA bottles and the new technology requires 5,500 psi;*

*J. The emergency radio communications equipment for the Fire and Police Departments is more than 15 years old and is beyond the end of life. The equipment to be replaced are the repeaters and related equipment infrastructure that is outside of the current and future Public Safety buildings.*

**MOTION MADE:** That the Town vote to raise and appropriate:

- \$30,100 for a private fiber line from Public Safety to Overlook Road;
- \$450,000 to address water issues at the Library;

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- \$100,000 to replace an A/C condenser unit at Library;
- \$3,555 for a cruiser camera system for Police;
- \$12,000 for a Cemetery tractor for DPW;
- \$18,000 for truck and equipment body work for DPW;
- \$284,000 for DPW road maintenance.
- \$15,000 for Kallander Field engineering and study for Recreation;

#	ITEM	TOTAL	Recommend	Recommend
			ADVISORY	SELECTMEN
A.	Private fiber line	<b>\$30,100</b>	Recommend	Recommend
B.	Library water issue	<b>\$450,000</b>	Not Recommend	Not Recommend
C.	Library A/C condenser	<b>\$100,000</b>	Recommend	Recommend
D.	Cruiser Cameras	<b>\$3,555</b>	Recommend	Recommend
E.	Cemetery tractor	<b>\$12,000</b>	Recommend	Recommend
F.	Truck & Equip. body work	<b>\$18,000</b>	Recommend	Recommend
G.	Road maintenance	<b>\$284,000</b>	Not Recommend	Not Recommend
H.	Kallander Field engineering	<b>\$15,000</b>	Not Recommend	Not Recommend

And further, that the Town vote to transfer from the Ambulance Fund:

- \$60,000 for a breathing air compressor for Fire;
- \$70,000 for Public Safety radio system upgrades;

#	ITEM	TOTAL	Recommend	Recommend
			ADVISORY	SELECTMEN
I.	Breathing Comp.	<b>\$60,000</b>	Recommend	Recommend
J.	Radio Upgrades	<b>\$70,000</b>	Recommend	Recommend

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**FIRST AMENDMENT MADE:** That the following items in Article 13 be amended and replaced with:

#	ITEM	TOTAL	Recommend	Recommend
			ADVISORY	SELECTMEN
B.	Library water issue	<b>\$250,000</b>	Recommend	Recommend
G.	Road maintenance	<b>\$325,000</b>	Recommend	Recommend
H.	Kallander Field engineering	<b>\$19,270</b>	Recommend	Recommend

The new total amount for the article will be \$887,925, a reduction of \$154,730.

**MOTION:** To Suspend Discussion On Article 13.

**MOTION FAILED.**

**SECOND AMENDMENT MADE:** That the Town vote to strike item H Kallander Field engineering study \$19,270.

**SECOND AMENDMENT FAILED.**

**FIRST AMENDMENT PASSED.**

**MOTION AS AMENDED PASSED.**

**ARTICLE 14:** To see if the Town will vote to raise and appropriate or transfer from any available funds the sum of \$39,435 for the purpose of paying to retirees the amount due for accrued vacation and sick time, or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation: Support**

**Advisory Committee Recommendation: Support**

**Summary:** *This article will fund any vacation and sick pay due to employees upon their retirement.*

**MOTION MADE:** That the Town vote to raise and appropriate or transfer from any available funds the sum of \$39,435 for the purpose of paying to retirees the amount due for accrued vacation and sick time.

**MOTION PASSED.**

**ARTICLE 15:** To see if the Town will vote to raise and appropriate, borrow and appropriate or transfer from available funds the sum of \$100,000 for the ongoing maintenance of capital equipment and systems associated with town buildings and facilities. The Town Facilities Manager shall recommend appropriate projects to the Town Administrator. The Town Administrator shall approve all expenditures under this article. The Town Facilities Manager shall report all funded projects to the Advisory Committee as requested, or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation: Support**

**Advisory Committee Recommendation: Support**

**Summary:** *This article will provide for the maintenance and repair of capital equipment and systems associated with the Town's buildings and facilities.*

**MOTION MADE:** That the Town vote to raise and appropriate the sum of \$100,000 for the ongoing maintenance of capital equipment and systems associated with town buildings and facilities. The Town Facilities Manager shall

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recommend appropriate projects to the Town Administrator. The Town Administrator shall approve all expenditures under this article. The Town Facilities Manager shall report all funded projects to the Advisory Committee as requested.

**MOTION PASSED.**

**ARTICLE 16:** To see if the Town will vote to amend the General By-Laws of the Town by adding a new revolving fund to Section16-9 of Chapter 16 entitled “Golf Course” as follows:

A	B G	C	D	E	F	
Revolving Fund	Department, Board, Committee, Agency or Officer Authorized to Spend from Fund	Fees, Charges or Other Receipts Credited to Fund	Program or Activity Expenses Payable from Fund	Restrictions or Conditions on Expenses Payable from Fund	Other Requirements/ Reports	Fiscal Years
Golf Course	Board of Selectmen	Golf course user fees	Expenses for repairs and repairs and maintenance to golf Course; management contract for golf course	Salaries and wages of full-time, part time employees shall be paid by the management company per the contract with the Board of Selectmen		Fiscal year 2020 and subsequent year

or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation: Support**

**Advisory Committee Recommendation: Support**

**Summary:** *A new revolving fund for the Golf Course has been added to the chart of revolving funds, for which any revenue received through the contract with the golf management company will be used to maintain and/or make improvements to Southborough Golf Club.*

**MOTION MADE:** That the Town vote to amend the General By-Laws of the Town by adding a new revolving fund to Section16-9 of Chapter 16 entitled “Golf Course” as follows:

A	B G	C	D	E	F	
Revolving Fund	Department, Board, Committee, Agency or Officer Authorized to Spend from Fund	Fees, Charges or Other Receipts Credited to Fund	Program or Activity Expenses Payable from Fund	Restrictions or Conditions on Expenses Payable from Fund	Other Requirements/ Reports	Fiscal Years
Golf Course	Board of Selectmen	Golf course user fees	Expenses for repairs and repairs and maintenance to golf Course; management contract for golf course	Salaries and wages of full-time, part time employees shall be paid by the management company per the contract with the Board of Selectmen		Fiscal year 2020 and subsequent Years

**MOTION PASSED.**

Article approved by the Attorney General on July 1, 2019.

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**ARTICLE 17:** To see if the Town will vote pursuant to Massachusetts General Laws, Chapter 44 § 53E ½ to authorize the following spending limits for Fiscal Year 2019:

1. Immunization/emergency dispensing clinic; \$12,000.
2. Inspectional services; \$100,000.
3. 9-11 Field Maintenance; \$100,000.
4. Wetland Protection; \$30,000.
5. Hazardous materials; \$75,000.
6. CPR classes; \$6,500.
7. Community garden; \$2,500.
8. Recreation programs; \$350,000.
9. Tobacco Control Program; \$4,000.
10. Golf Course maintenance; \$30,000.

, or do or act anything in relation thereto.

**Proposed by: BOARD OF HEALTH, BOARD OF SELECTMEN, RECREATION COMMISSION, AND CONSERVATION COMMISSION**

**Board of Selectmen Recommendation: Support**

**Advisory Committee Recommendation: Support**

**Summary:** *This article approves the annual spending limits for revolving funds that are now authorized by Town by-law.*

**MOTION MADE:** That the Town vote pursuant to Massachusetts General Laws, Chapter 44 § 53E ½ to authorize the following spending limits for Fiscal Year 2020:

1. Immunization/emergency dispensing clinic; \$12,000;
2. Inspectional services; \$100,000;
3. 9-11 Field Maintenance; \$100,000;
4. Wetland Protection; \$30,000;
5. Hazardous materials; \$75,000;
6. CPR classes; \$6,500;
7. Community garden; \$2,500;
8. Recreation programs; \$350,000;
9. Tobacco Control Program; \$4,000
10. Golf Course Maintenance; \$30,000.

**MOTION PASSED.**

**ARTICLE 18:** To see if the Town will vote to accept a Deed of Conveyance in lieu of tax foreclosure from Robert J. Depietri, Jr., Trustee of Southborough Realty Trust II, Owners of certain parcels of land located at 0 Kimberly Lane, Assessor's Map 9 Lot 16 and Map 9 Lot 34 pursuant to the authority of Massachusetts General Laws, Chapter 60, Section 77C, as amended. Being a portion of the same premises referred to in a Deed recorded on May 21, 1993 in the Worcester Registry of Deeds, Book 15201, Page 248. Said parcels containing 1.97 acres and 1.34 respectively more or less, or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation: Support**

**Advisory Committee Recommendation: Support**

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**Summary:** *This article authorizes the Town to accept a deed in lieu of tax foreclosure. State law allows municipalities to accept deeds in lieu of foreclosure due to the expense and time required to file formal tax foreclosures thru Land Court. These two parcels are open space and non-buildable lots that have had a tax lien on them since 2001. The owner is voluntarily conveying these parcels which is a requirement per State law.*

**MOTION MADE:** That the Town vote to accept a Deed of Conveyance in lieu of tax foreclosure from Robert J. Depietri, Jr., Trustee of Southborough Realty Trust II, Owners of certain parcels of land located at 0 Kimberly Lane, Assessor's Map 9 Lot 16 and Map 9 Lot 34 pursuant to the authority of Massachusetts General Laws, Chapter 60, Section 77C, as amended. Being a portion of the same premises referred to in a Deed recorded on May 21, 1993 in the Worcester Registry of Deeds, Book 15201, Page 248. Said parcels containing 1.97 acres and 1.34 respectively more or less.

**ARTICLE PASSED BY MODERATOR DECLARED 2/3 MAJORITY.**

**ARTICLE 19:** To see if the Town will vote to accept the report of the Community Preservation Committee for the FY 2020 Community Preservation Projected Receipts and act upon the recommendations of the Community Preservation Committee and to set aside for later expenditure, certain sums of money from the Community Preservation Fund established pursuant to Chapter 44B of the General Laws, as follows:

Estimated Surcharge Receipts (based on Town Treasurer's projections):	\$363,645
State Match (projected State match).....	\$ 52,323
Total Projected Revenue.....	\$415,968

**Set Aside- Open Space**

\$ 41,597 to be set aside, held in the Community Preservation Fund, and spent in FY2020 or later years for acquisition, creation or preservation of open space, and for the rehabilitation and/or restoration of open space acquired under the Community Preservation Act.

**Set Aside – Historic Preservation**

\$ 41,597 to be set aside, held in the Community Preservation Fund, and spent in FY2020 or later years for the acquisition, preservation, rehabilitation and restoration of historic resources.

**Set Aside – Community Housing**

\$ 41,597 to be set aside, held in the Community Preservation Fund, and spent in FY2020 or later years for the creation, preservation and support of community housing, and for the rehabilitation and/or restoration of community housing acquired under the Community Preservation Act.

**Administrative Costs – Community Preservation Committee**

\$ 20,799 to defray the administrative and operating expenses of the Community Preservation Committee in FY2020 for the Community Preservation Fund (discretionary)

**Set Aside -Budgeted Reserve/Discretionary**

Reserved For FY20 CPF (Budgeted Reserve/Discretionary)	\$270,378
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, or do or act anything in relation thereto.

**Proposed by:** COMMUNITY PRESERVATION COMMITTEE

**Board of Selectmen Recommendation: Support**

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**Advisory Committee Recommendation: Support**

**Summary:** *These set asides are an annual requirement under the Community Preservation Act.*

**MOTION MADE:** That the Town vote to accept the report of the Community Preservation Committee for the FY 2020 Community Preservation Projected Receipts and act upon the recommendations of the Community Preservation Committee and to set aside for later expenditure, certain sums of money from the Community Preservation Fund established pursuant to Chapter 44B of the General Laws, as printed in the warrant.

**MOTION MADE:** To advance Article 30 in front of Article 20.

**MOTION FAILED.**

**MAIN MOTION PASSED.**

**ARTICLE 20:** To see if the Town will vote to appropriate \$ 50,812 from the CPA Historic Preservation Reserve Fund to be applied towards the bond for the Perpetual Preservation Restriction on 84 Main Street also known as the Burnett House for the purpose of Historic Preservation. Said funds to be expended under the direction of the Community Preservation Committee and the Town Treasurer; or do or act anything in relation thereto.

**Proposed by:** COMMUNITY PRESERVATION COMMITTEE

**Board of Selectmen Recommendation: Support**

**Advisory Committee Recommendation: Support**

**Summary:** *This article is the Community Preservation Fund payment towards the FY2020 debt funding for the Preservation Restriction of 84 Main Street.*

**MOTION MADE:** That the Town vote to appropriate \$50,812 from the CPA Historic Preservation Reserve Fund to be applied towards the bond for the Perpetual Preservation Restriction on 84 Main Street also known as the Burnett House for the purpose of Historic Preservation. Said funds to be expended under the direction of the Community Preservation Committee and the Town Treasurer.

**MOTION PASSED UNANIMOUSLY.**

**ARTICLE 21:** To see if the Town will vote to appropriate \$178,404.00 for the bond on the Halloran Property for the purpose of Open Space Preservation with \$175,000 principal and \$3,404 FY19 short term note. \$41,597 from the CPA Open Space Reserve Fund and \$136,807 from the CPA General Unreserved Fund. Said funds to be expended under the direction of the Community Preservation Committee and the Town Treasurer; or do or act anything in relation thereto.

**Proposed by:** COMMUNITY PRESERVATION COMMITTEE

**Board of Selectmen Recommendation: Support**

**Advisory Committee Recommendation: Support**

**Summary:** *This article is the Community Preservation Fund payment toward the FY2020 debt funding for the purchase and Conservation Restriction of the Halloran Property.*

**MOTION MADE:** That the Town vote to appropriate \$178,404.00 for the bond on the Halloran Property for the purpose of Open Space Preservation with \$175,000 principal and \$3,404 FY19 short term note. \$41,597 from the CPA Open Space Reserve Fund and \$136,807 from the CPA General Unreserved Fund. Said funds to be expended under the direction of the Community Preservation Committee and the Town Treasurer.

**MOTION PASSED UNANIMOUSLY.**

**ARTICLE 22:** To see if the Town will vote, pursuant to Mass. General Laws in Chapter 44, as amended, Chapter 44B, or any other enabling authority, to appropriate and borrow a sum of money not to exceed the amount of One Million and Forty Dollars (\$1,000,040.00) for historic restoration of the Southborough Library building, including costs incidental or related thereto, for a period of not less than twenty (20) years, excluding the term of any temporary loans issued and in anticipation therefor. This consists of \$886,959 for historic restoration and \$113,081 contingency

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funding, for the Southborough Library Façade Restoration Project, as requested by the Southborough Library Trustees for historic purposes. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44 §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

And to further authorize the Library Trustees, the Board of Selectmen and/or a qualified Historical Organization to submit on behalf of the Town any and all applications deemed necessary for grants and/or reimbursements from the Commonwealth of Massachusetts or the United States and/or any other state or federal programs including those in aid of Historic Preservation and/or any others in any way connected with the scope of this article. Said gifts or grants to be deposited in the Historic Reserve Community Preservation Fund and that the Board of Selectmen shall grant a perpetual Preservation Restriction on the historical façade and windows of the Library building located at 25 Main Street, Southborough to be recorded in conformance with the requirements of Massachusetts General Laws and to enter into all agreements and execute any and all instruments as may be necessary to effect said Preservation Restriction.

Project to be completed in conformance with details as presented to the members of the CPC and to be documented in the application and a subsequent Memorandum of Understanding. All of the work will comply with the building and Architectural Access Board codes as applicable, the historic district review requirements, and The Secretary of the Interior's Standards for the Treatment of Historic Properties Said funds to be expended under the direction of the Community Preservation Committee and the Town Treasurer, or do or act anything in relation thereto.

**Proposed by: COMMUNITY PRESERVATION COMMITTEE**

**Board of Selectmen Recommendation:** At Town Meeting

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *Under the direction of the Library Director and the Southborough Library Trustees, said funds will be used toward the renovation and restoration of the historic Southborough Library building. Specific aims of the project include: replacing the library's roof, restoring the crumbling stone sign featuring the library's name, work on the large windows that brings interior light to the historic Judy Williams Reading Room, and corrective work on the stairs that lead to the library's original entrance. The original structure that houses the Southborough library was built in the year 1911. With the exception of the 1989 addition, no significant attention or construction has occurred on the outer structure of the building. The Southborough library is one of the most prominent public buildings in town; it is sited at the town's center and is visible to everyone passing through town.*

**MOTION MADE:** That the Town vote, pursuant to Mass. General Laws in Chapter 44, as amended, Chapter 44B, or any other enabling authority, to appropriate and borrow a sum of money not to exceed the amount of One Million and Forty Dollars (\$1,000,040.00) for historic restoration of the Southborough Library building, including costs incremental or related thereto, for a period of not less than twenty (20) years, as written in the warrant.

**MOTION MADE:** To indefinitely postpone the Article.

**MOTION FAILED.**

**MOTION PASSED BY MODERATOR DECLARED 2/3 MAJORITY.**

**ARTICLE 23:** To see if the Town will vote to appropriate \$50,990 from the CPA Fund General Unreserved Fund to conduct conservatory and restorative work for Historic Preservation on significant historical items of the Southborough Historical Society, \$48,990 in project costs and an additional \$2,000 contingency. Contingency funds only available after approval of the CPC for unexpected costs unforeseen at the time of application. Funding for the Historic Civil War Era Flag is contingent on a signed affidavit between the Historical society and the Town affirming that the Flag will remain in the Southborough Historical Society's possession or be gifted to the town. Project to be completed in conformance with details as presented to the members of the CPC and to be documented in the application and a subsequent Memorandum of Understanding. Said funds to be expended under the direction of the Community Preservation Committee and Town Treasurer, or do or act anything in relation thereto.



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**Proposed by:** COMMUNITY PRESERVATION COMMITTEE

**Board of Selectmen Recommendation:** At Town Meeting

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *Under the direction of the Southborough Historical Society, said funds will be used to restore and preserve a Civil War Era flag associated with the burial of Southborough resident William Buck. This large, fragile flag is one of the most significant and prized objects in the museum collection. It will be restored, mounted, and framed. Funds will also be used toward hiring a professional archivist to work on conservation of paper document in the collection.*

**MOTION MADE:** That the Town vote to appropriate \$50,990 from the CPA Fund General Unreserved Fund to conduct conservatory and restorative work for Historic Preservation on significant historical items of the Southborough Historical Society as written in the warrant.

**MOTION PASSED.**

**MOTION MADE:** To recess and reconvene at 7:00 PM on March 23, 2019.

**MOTION PASSED.**

**MEETING RECESSED AT 5:05 PM.**

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The duly called Annual Town Meeting was reconvened in the P. Brent Trottier Middle School, 49 Parkerville Road, Southborough, on Saturday, March 23, 2019, at 7:00 PM. and the following Articles were voted on in a legal manner. There was a quorum present (100 Voters = quorum); 210 voters were present.

The Town Moderator, Paul M. Cimino, called the meeting to order at 7:20 PM.

**ARTICLE 24:** To see if the Town will vote to appropriate \$ 20,300 from the CPA General Unreserved Fund with \$18,300 for invasive species removal and native plantings for pollinators on town-owned conservation land. There is a \$2,000 contingency said funds only available after approval of the CPC for unexpected costs unforeseen at the time of application. Project to be completed in conformance with details as presented to the members of the CPC and to be documented in the application and a subsequent Memorandum of Understanding. Said funds to be expended under the direction of the Community Preservation Committee and Town Treasurer, or do or act anything in relation thereto.

**Proposed by: COMMUNITY PRESERVATION COMMITTEE**

**Board of Selectmen Recommendation:** At Town Meeting

**Advisory Committee Recommendation:** At Town Meeting

*Summary: Under the direction of the Open Space Preservation Commission said funds will be used to target invasive species, including a stand of Tree of Heaven identified by the Commonwealth of Massachusetts and the Federal Government as a top priority for removal, Oriental Bittersweet infestation, and a stand of Japanese Knotweed that is obstructing views of a historic landscape while also damaging the structural integrity of a historic stone wall. Following invasive removal, under the direction of Dr. Robert Gegear, native plants will be installed that benefit pollinators with a focus on a rare species of bumblebee that has been documented in Southborough.*

**MOTION MADE:** That the Town vote to appropriate \$ 20,300 from the CPA General Unreserved Fund as written in the warrant.

**MOTION PASSED UNANIMOUSLY.**

**ARTICLE 25:** To see if the Town will vote to amend Chapter 41 of the Code of the Town of Southborough, Massachusetts, entitled *Town Meetings*, by striking in its entirety from Section 41-1 *entitled Date and Time of Annual Town Meeting* the current text and replacing it with the following text:

“The Annual Town Meeting for the consideration of all business, other than the election of Town Officers or other matters to be determined by ballot, shall be held on the last Saturday in March. The Town Meeting shall commence at 1:00 p.m. and recess not later than 5:00 p.m.

In the event that all articles in the warrant have not been acted on, the Town Meeting shall reconvene at 7:00 p.m. on that Saturday, and recess no later than 11:00 p.m. If all articles are not acted on by that time, adjournment of the session shall be to the following Monday night at 7:00 p.m. and then to each succeeding night at 7:00 p.m. until completion of the warrant.

In the event that all articles in the warrant have not been acted on by the end of the Thursday night session, the Town Meeting shall stand adjourned to a time and date agreeable to the Town Meeting. In the event of a secular or other holiday, that session shall be adjourned to the next night that shall be agreeable to the Town Meeting by majority vote.”

; or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Not Support

**Summary:** *This article retains the move to a Saturday town meeting that was approved at last year's Special Town Meeting, including the schedule of the sessions, but sets the date to the last Saturday in March, and removes all reference to a Town Meeting week.*

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**MOTION MADE:** That the Town vote to amend Chapter 41 of the Code of the Town of Southborough, Massachusetts, entitled *Town Meetings*, by striking in its entirety from Section 41-1 entitled *Date and Time of Annual Town Meeting* the current text and replacing it with the text as printed in the warrant.

**FIRST AMENDMENT MADE:** That the town vote to amend the Article by striking the words “last Saturday” and by substituting the words “Second to last Saturday.”

**SECOND AMENDMENT MADE:** That the town vote to amend the amendment by striking the words “second to last Saturday” and substituting the words “on a Saturday that is no later than the last Saturday.”

**SECOND AMENDMENT PASSED.**

**FIRST AMENDMENT AS AMENDED PASSED.**

**MOTION AS AMENDED PASSED.**

<b>Article approved by the Attorney General on July 1, 2019.</b>
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**ARTICLE 26:** To see if the Town of Southborough will vote to amend Chapter 63 of the Code of the Town of Southborough, Massachusetts, by striking Chapter 63, Section 63-3.E [Procedure] in its entirety and inserting in place thereof the following text:

§ 63-3.E

Upon determination by the Commission that the building is historically and/or architecturally significant, the Building Inspector and applicant shall be so notified in writing, and a demolition permit shall not be issued. The Commission shall hold a public hearing within 45 business days of the determination of significance to determine whether the building should be preferentially preserved. Public notice of the time, place and purpose of the hearing shall be published by the Building Department at the expense of the applicant in a newspaper of general circulation in the Town not less than seven days before the day of said hearing and shall be posted in a conspicuous place in the Town Hall for a period of not less than seven days before the day of said hearing.

; or do or act anything in relation thereto.

**Proposed by: HISTORICAL COMMISSION**

**Board of Selectmen Recommendation:** At Town Meeting

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *This article changes the number of days in which the Commission has to hold a demolition delay hearing for a historical or architecturally significant building, from 15 to 45 days. This will allow for compliance with the public posting requirements to conduct hearings.*

**MOTION MADE:** That the Town vote to amend Chapter 63 of the Code of the Town of Southborough, Massachusetts, by striking Chapter 63, Section 63-3.E [Procedure] in its entirety and insert in place thereof the text as printed in the warrant.

**MOTION PASSED.**

<b>Article approved by the Attorney General on July 1, 2019.</b>
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**ARTICLE 27:** To see if the Town will vote to amend the provisions of the Southborough Code, Chapter 9 entitled “Committees”, by adding a new Section 9-27 entitled “Meetings prohibited on Election Day, or when Town Offices are closed due to a weather or other emergency”, with the following text:

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§9-27.1 On any day that the Board of Selectmen or their designee announce that all town offices are closed for the day due to a weather or other emergency, any scheduled public meeting shall be cancelled. The Town Clerk shall post notices of cancellation for all previously scheduled meetings on the town website. This prohibition will not apply to emergency meetings held to address the weather or other emergency.

§9-27.2 No board, committee or commission shall schedule a meeting on the day of any town, state or federal election.

; or do or act anything in relation thereto.

**Proposed by: TOWN CLERK**

**Board of Selectmen Recommendation: Support**

**Advisory Committee Recommendation: Support**

**Summary:** *This article will prohibit a board or committee attempting to hold a regularly scheduled meeting during a weather or other emergency, except when the meeting directly pertains to instant emergency. This article will also eliminate confusion regarding holding public meetings held on election days since some hearings are specifically prohibited by the state and it has been the long standing practice in Southborough not to hold any meetings on election days.*

**MOTION MADE:** That the Town vote to amend the provisions of the Southborough Code, Chapter 9 entitled “Committees”, by adding a new Section 9-2 entitled “Meetings prohibited on Election Day, or when Town Offices are closed due to a weather or other emergency”, with the following text:

§9-2.1 On any day that the Board of Selectmen or their designee announce that all town offices are closed for the day due to a weather or other emergency, any scheduled public meeting shall be cancelled. The Town Clerk shall post notices of cancellation for all previously scheduled meetings on the town website. This prohibition will not apply to emergency meetings held to address the weather or other emergency.

§9-2.2 No board, committee or commission shall schedule a meeting on the day of any town, state or federal election.

**MOTION PASSED UNANIMOUSLY.**

<b>Article approved by the Attorney General on July 1, 2019.</b>
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**ARTICLE 28:** To see if the Town will vote to add a new chapter to the Town Code, Chapter 153, Trees, as follows;

**“Chapter 153-Trees**

**§153-1 Intent and purpose.**

It is the intent of this Bylaw to sustain environmental health, enhance economic wellbeing and quality of life for the citizens of the Town of Southborough. Public trees make an important contribution to the character and heritage of Southborough's neighborhoods. This Bylaw establishes policy for ensuring the health and longevity of the Town's existing and future trees, and is enacted in furtherance of the Town Meeting votes of May 29, 1975 on Article 63, and May 19, 1976 on Article 37.

**§153-2 Applicability.**

The Town follows the provisions of Massachusetts General Law Chapter 87, (M.G.L. c. 87), Shade Trees, to the extent applicable. This Bylaw shall be consistent with the provisions of M.G.L. c. 40, s. 15C entitled Scenic Road Designations; Improvements; Fines, as amended.

**§153-3 Tree Warden.**

The care and management of public trees shall be the responsibility of the Tree Warden, or that official's designee. The Tree Warden is responsible for planting, maintaining and removing trees from streets, parks and other designated public places in accordance with M.G.L. C. 87 s. 2.

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§153-4 Public shade trees.

It shall be the policy of the Town of Southborough to encourage the conservation of public shade trees (as defined in M.G.L. c. 87 s. 1) and to establish a planned program of planting trees as defined in MGL c.87 s.7. The Tree Warden shall determine the type and size of the tree with the goal to have a native public shade tree planted in a location at the discretion of the Tree Warden.”

; or do or act anything in relation thereto.

**Proposed by: PLANNING BOARD**

**Board of Selectmen Recommendation:** At Town Meeting

**Advisory Committee Recommendation: Support**

*Summary: These actions are requirements for the Town of Southborough to acquire the Tree City USA designation. Tree City USA designation enriches the environment, increases property values, enhances the economic vitality of business areas, beautifies the community, and provides opportunities for grant funding.*

**MOTION MADE:** That the Town vote to add a new chapter to the Town Code, Chapter 153, Trees, as printed in the warrant.

**MOTION PASSED UNANIMOUSLY.**

<b>Article approved by the Attorney General on July 1, 2019.</b>
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**MOTION TO ADVANCE ARTICLE 34 IN FRONT OF ARTICLE 29 FAILED.**

***ARTICLE 29:***

1. To see if the Town will vote to repeal Town Code section § 41-22.1 Electioneering prohibited, or do or act anything in relation thereto.

Explanation: This provision was added by the April 25, 2017 Town Meeting, Article 35. It prohibits candidates and their agents from standing within 150 feet of the entrance to Town Meeting for the purpose of electioneering or greeting citizens or voters, or for petitioning or soliciting signatures for any purpose.

There is already a state law, G.L. c. 50 § 65, that prohibits electioneering within 150 feet of polling places on election day. But nothing in state law requires that this prohibition be applicable to Town Meetings. Per Secretary Galvin's Office, no other Town or City in Massachusetts is known to have any curb on distributing voter information at Town Meeting such as the existing Town Code section § 41-22.1 Electioneering prohibited. Southborough had no such restriction until the passage of this article in April 2017.

2. To see if the Town will vote to add the following to Chapter 41 of the Town Code:  
At the request of the Sponsor(s) of Warrant Articles or their authorized agents, the Town Clerk will prominently display the Sponsor's Warrant Article information for voters on tables located in close proximity to the tables at which voters check in to Town Meeting. Warrant article sponsors and their supporters may also hand out information to voters outside the entrance of the voting hall.  
; or do or act anything in relation thereto.

Explanation: It is common practice for sponsors of warrant articles, including Town Boards and Committees, to prepare written materials concerning warrant article they have sponsored. The purpose of those materials is to explain the purpose and effect of the proposed warrant article, and to answer questions that the sponsor anticipates voters will have. Section 41.22.1, the repeal of which is proposed by the first article above, prohibited this common practice, at least as it applied to citizen sponsors of warrant articles. If passed, this proposed warrant article would codify the rights of Southborough citizens to have their written materials easily available to Town Meeting voters for their consideration.

**Proposed by: KAREN HANLON, et al.**

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**Board of Selectmen Recommendation: Not Support**

**Advisory Committee Recommendation: Not Support**

**Summary:** *These actions restore and preserve voters' rights, including the basic Democratic rights to display and distribute voter information outside **Town Meeting** (versus Town **Elections**, i.e. no electioneering). Prior to its passage in April 2017 of the existing Town Code s.41-22.1 "Electioneering Prohibited," Southborough had no such restrictions at **Town Meeting**. The passage of these actions restore these fundamental voter and freedom of speech rights back to the pre-April 2017 position and puts the Town at parity with other Towns and Cities in Massachusetts.*

**MOTION MADE:** That the Town vote to approve the article as printed in the warrant.

**FIRST AMENDMENT MADE:** That the town vote to amend Article 29 by striking the Article in its entirety and replacing it with: That the Town vote to amend Chapter § 41-22.1 of the Code of the Town of Southborough "Electioneering prohibited" by striking Chapter § 41-22.1 in its entirety and inserting in place thereof:

"Except as may be otherwise provided by any other general or special law of the commonwealth, all candidates or their agents are expressly forbidden to enter a building which is used as a polling place or Town Meeting for the purpose of electioneering or greeting citizens or voters, or for petitioning or soliciting signatures for any purpose."

**SECOND AMENDMENT MADE:** That the town vote to amend the first amendment by striking the words "or greeting citizens or voters."

**SECOND AMENDMENT PASSED.**

**THIRD AMENDMENT MADE:** That the town vote to amend the amendment by striking it in its entirety and replacing it with: "That the Town vote to strike Chapter § 41-22.1 of the Code of the Town of Southborough "Electioneering prohibited" in its entirety."

**THIRD AMENDMENT PASSED.**

**MOTION AS AMENDED PASSED.**

**Article approved by the Attorney General on July 1, 2019.**

**ARTICLE 30:** To see if the Town will vote to adopt the following non-binding resolution, or take any action thereon:

**Non-Binding Resolution – Creation of Recreation Resources Committee**

**WHEREAS,** the Town of Southborough has a demand for more recreation facilities and other recreation assets (together, "Recreation Resources") than the Town can currently afford to purchase and/or support; and

**WHEREAS,** it does not appear that significant additional Town financial resources will be available in the near future to meet this demand; and

**WHEREAS,** there are a number of non-Town entities (including St. Mark's School, The Fay School, the MWRA, DCR, the Southborough Open Land foundation and others) that own or control property, assets or facilities in Southborough that are used or could be used for various recreational purposes; and

**WHEREAS,** there are a number of entities operating in towns near Southborough (particularly the abutting towns of Ashland, Framingham, Hopkinton, Marlborough, Northborough and Westborough) that own or control property, assets or facilities that are used or could be used for various recreational purposes and that could potentially be engaged in some type of "shared-access" agreement with Southborough for such property, assets or facilities; and

**WHEREAS,** a more coordinated planning and management of current and potential community-wide, or region-wide, recreational resources could provide improved access to recreational resources for Southborough

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residents; and

**WHEREAS**, to date, the existing planning and management entities of the Town that might address this issue, including the Board of Selectmen and the Recreation Commission, have not had the resources or the priority for producing a comprehensive approach to this issue by searching more systematically for collaborative community-wide or region-wide solutions to this problem.

Therefore, be it **RESOLVED**, that the 2019 Annual Town Meeting:

**ACKNOWLEDGES** that a more comprehensive and community-wide and/or region-wide approach to addressing the development of and access to recreational resources available for use by Town residents could produce valuable results for the citizens of the Town; and

**REQUESTS** that the Board of Selectmen, at their next meeting after this Town Meeting, create an ad hoc Recreation Resources Committee, consisting of seven (7) voting members plus two ad hoc non-voting members as follows:

- two (2) members representing the citizens at large, selected by the Board of Selectmen;
- two (2) members of the Recreation Commission, selected by the Recreation Commission;
- one (1) member of the Planning Board, selected by the Planning Board;
- one (1) member of the Conservation Commission, selected by the Conservation Commission;
- one (1) member of the Advisory Committee, selected by the Advisory Committee;
- the Recreation Director, as an ad hoc, non-voting member;
- one (1) member of the School Committee, selected by the School Committee, as an ad hoc, no-voting member

; and

**FURTHER REQUESTS** that the Board of Selectmen, no later than sixty (60) days after the creation of the Recreation Resources Committee as requested above, completes the appointment process for the members of this committee; and

**FURTHER REQUESTS** that the Board of Selectmen, establishes the charge to this committee including, but not limited to:

- Creating and maintaining a current, ongoing community-wide and/or region-wide inventory of existing and potential recreational resources of all types potentially available for use by Southborough residents, including relevant information for each, such as location, characteristics, current and potential uses, capacity, ownership, etc. (with a target completion date for the initial inventory no later than 6 months after the committee is formed)
- Creating and maintaining a plan for utilizing all such available resources in a way that is likely to be implementable for the benefit of Southborough residents (with a target completion date for the initial plan no later than 12 months after the committee is formed);
- Planning and executing the process of initial and ongoing communication of the plan to Southborough residents and to Southborough government organizations;
- Determining and recommending the initial and ongoing most advantageous next steps for implementation of a new/expanded approach for providing access for Southborough residents to additional recreational resources (with a target completion date for the initial recommendations no later than 18 months after the committee is formed); and
- Working with the Board of Selectmen, the Recreation Commission and other applicable local and regional entities to implement the initial and ongoing phases of the initial plan and updated versions of the plan.

; and

**FURTHER REQUESTS** that the Board of Selectmen, requires that this committee provide a report of their

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activities to date and their progress to the Board of Selectmen no less frequently than every six (6) months, and that these reports be published in such places as on mysouthborough.com and/or the Town of Southborough website."

**Proposed by: JACK BARRON**

**Board of Selectmen Recommendation: Not Support**

**Advisory Committee Recommendation: Not Support**

**Summary:** *Creating a Recreation Resources Committee can identify opportunities for expanded access to recreation assets that the Town may not currently be in a position to afford. This non-binding article seeks to gain a "sense of Town Meeting" relative to creation of this new committee, and thereby begin the process of a more comprehensive look at possible additional recreation assets for access by Town residents.*

**MOTION MADE:** That the Town vote to approve the article as printed in the warrant.

**MOTION FAILED.**

**ARTICLE 31:** To determine if the Town of Southborough will vote to amend Town Code Article IX § 27-26B by adding a new section B(8), as follows:

"The Town Administrator shall, for each elected Town board or committee for which Southborough voters cast votes and for each calendar year, compile and maintain a record of each such board or committee member's individual attendance record for all posted meetings of such boards or committees. Such attendance records shall show the number of meetings for which a member was present, or attended by remote participation, or was absent. The attendance record shall also show the total number of such meetings that the member was eligible to attend for the reporting period. The current version of this attendance record shall be available to the public at all times, and the final version for each calendar year shall be published in the annual Town Report for that year."; or do or act anything in relation thereto.

**Proposed by: MICHAEL WEISHAN, et al.**

**Board of Selectmen Recommendation: Not Support**

**Advisory Committee Recommendation: Not Support**

**Summary:** *This article seeks to increase transparency of Town government by making the attendance records of our elected officials easily available in a single location for public review.*

**MOTION MADE:** That the Town vote to approve the article as printed in the warrant.

**AMENDMENT MADE:** That the town vote to amend the Article by striking the words Town Administrator and substituting the words Town Clerk in its place.

**AMENDMENT PASSED.**

**MOTION AS AMENDED FAILED.**

**Town Clerk James F. Hegarty was sworn in as the Deputy Moderator for Article 32.**

**ARTICLE 32:**

1. To see if the Town will vote to repeal Town Code section § 9-12 Appointment of Chairman, Vice Chairman, and Secretary of the Advisory Committee, which reads as follows: "Said [Advisory] Committee shall choose from its membership a Chairman and a Secretary."  
, or do or act anything in relation thereto.
2. To see if the Town will vote to replace section 9-12 above with the following, new section 9-12:



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At the Annual Town Election, the voters shall vote to fill any expired term of the officers of the Advisory Committee that are elected, as follows: Elected Advisory Committee members are: a Chairman, a Vice-Chairman, and a Secretary. The term for each will be three years. The Vice Chairman shall succeed the Chairman in the event that there is a vacancy in the seat of the Chairman due to disqualification due to absence (maximum of four consecutive absences), death, or resignation. Upon succession of the Chairmanship by the Vice Chairman, the Secretary shall become the Vice-Chairman.

, or do or act anything in relation thereto.

Explanation: The Advisory Committee serves as the Town's Finance Committee and as such is the entity that undertakes the important function of presenting the proposed annual budget to the Town Meeting. Currently the Moderator appoints all members of the Advisory Committee. Enacting this provision would give voters a direct vote on who sits on this powerful board.

3. To see if the Town will vote to amend section 9-10, consistent with #2 above, to read:

Initial terms of the elected members of Advisory shall be as follows: the Secretary shall be elected for a term of one year, the Vice-Chairman for a term of two years, and the Chairman for a term of three years. Thereafter, the terms for each officer will be three years,

, or do or act anything in relation thereto.

4. To see if the Town will vote to amend section 9-11, consistent with #2 above, to read:

Any member of said Committee who shall be absent for four consecutive meetings or who ceases to be a Town resident shall cease to be a member of said Committee. The Moderator, upon receipt of notice of any event described in the previous sentence, may fill any vacancy for the unexpired term.

, or do or act anything in relation thereto.

**Proposed by: KAREN HANLON, et al.**

**Board of Selectmen Recommendation: Not Support**

**Advisory Committee Recommendation: Not Support**

**Summary:** *These actions are intended to install some balance of power. The Town Moderator currently appoints **all nine positions** on this important committee. Advisory (aka Finance) Committee sets the Town Budget and presents it to BOS for Town Meeting. These actions give a vote and voice to the taxpayers by allowing them to elect the top three slots: Chair, Vice-Chair, Secretary. As with any election, the election process itself (versus appointment) is less susceptible to political influences and allows for independence in process and results.*

**MOTION MADE:** To see if the Town will vote to repeal Town Code section § 9-12 Appointment of Chairman, Vice Chairman and Secretary of the Advisory Committee, which reads as follows: "Said [Advisory] Committee shall choose from its membership a Chairman and a Secretary" and to see if the Town will vote to replace section 9-12 above with the following, new section 9-12 as written in the warrant, and (3) to see if the Town will vote to amend section 9-10, consistent with #2 above, to read as written in the warrant, and (4) to see if the Town will vote to amend section 9-11, consistent with #2 above, to read as written in the warrant.

**MOTION FAILED.**

***ARTICLE 33:***

1. To see if the Town will vote to amend certain sections of Chapter 27 relative to the Town Counsel, to read as follows:

§ 27-4 Appointment; removal; compensation; additional counsel.

The Board of Selectmen shall each year after the annual Town Meeting, and whenever a vacancy shall exist, choose some competent lawyer to act as Town Counsel. The Board of Selectmen may remove him at pleasure. His term of office shall continue until the appointment and acceptance of his successor. In case of a vacancy in the office, the Selectmen shall fill the same by a new appointment.

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He shall be paid such compensation as the Town shall determine. He shall receive, as his salary, such compensation as is provided in Article VIIIA hereof, [1] together with such additional sums as may be appropriated for such services as may be performed in addition to those rendered as legal adviser to the Town.

[1] Editor's Note: "Article VIIIA" refers to the Salary Administration Plan, on file in the office of the Town Clerk.

§ 27-5 Duties and responsibilities.

Such Town Counsel shall act as the legal adviser of the Town. It shall be his duty to:

- a. examine, or cause to be examined, all titles to property in which the Town may be interested;
  - b. draw, supervise the drawing, or review all deeds, obligations, contracts, bonds, leases, conveyances, agreements and other legal instruments, of whatever nature, which may be required by any bylaw, vote or action of the Town, or by any board or official, or to which the Town or its agent may be a party, and which by law, usage or agreement the Town is obligated to draw;
  - c. commence and prosecute all actions and other legal proceedings and suits by or on behalf of the Town or any board or official, upon vote duly taken by such board or the written direction of such official and after the Selectmen have been notified of and approved such vote; except that approval by the Selectmen shall not be required if Town Counsel deems the situation to be of an emergency nature or in those instances when such board or official is vested by statute with the authority to commence and prosecute legal proceedings;
  - d. defend all actions and suits brought against the Town in any Court or other tribunal in this Commonwealth or elsewhere;
  - e. appear as counsel, when directed by the Selectmen, in any other action, suit, or prosecution which may involve the rights and interests of the Town;
  - f. appear as Counsel before the Legislature of the Commonwealth or any committee thereof, whenever the Selectmen determine that the interests or welfare of the Town may be directly or indirectly concerned, or when requested to do so by a vote of the Town;
  - g. consult with, advise or attend meetings of any board, officer or official, either upon the request of the Chair thereof or the officer or official involved, or when in the Selectmen's opinion any matter before such board, officer or official has significant legal implications to the Town, and in either instance to furnish a legal opinion upon any subject respecting the official duties of the board, officer or official;
  - h. prepare, when requested, any article for the Warrant for any Town Meeting and to review all articles and motions for form and legal sufficiency.
  - i. defend the actions taken by the Town Meeting. In the event that Town Counsel is unable for any reason to defend such actions, including without limitation that Town Counsel has or appears to have a conflict of interest, or has in good faith expressed a written opinion that such action is illegal with citation to legal authority, the Board of Selectmen in a public meeting may take such actions by majority vote as it deems necessary in order to present such defense;
  - j. make a monthly report to the Selectmen on all actions taken during the preceding month and to other Town boards, officers and officials on legal matters which occurred during the preceding month and specifically relate to such board, officer or official; and
  - k. to make an annual report of the work done during the preceding year. Said report shall contain a statement of each case or claim which has been tried, settled or otherwise disposed of by him during the year, and also a statement of each case which is still pending and the status of the same insofar as the facts may be properly published, together with such other information and recommendations as he may deem advisable.
- , or do or act anything in relation thereto.

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2. Add the following to Chapter 27 of the Town Code to read as follows:

Special Counsel. Unless expressly authorized by statute, a vote of Town Meeting, or vote of the Selectmen, no board, officer or official of the Town shall engage, whether or not for remuneration, any attorney, other than Town Counsel, with regard to its or his official duties, or any Town business, or the business of any of the departments thereof. The Selectmen may, whenever they deem necessary, employ special counsel to assist or act in place of Town Counsel. , or do or act anything in relation thereto.

3. Add the following to Chapter 27 of the Town Code to read as follows:

**Professional Responsibility**

Town Counsel must hold himself to the highest ethical standards, and make every effort to earn the trust and respect of those advised and of the community served. The Town Counsel must acknowledge that he represents the Town of Southborough, not any particular Board or Official, and that when the interests of the Town and any particular Board or Official diverge, he will endeavor always to serve the interests of the Town. The Town Counsel must acknowledge that he occupies a position of responsibility and trust, and is therefore bound by the standards of conduct set forth herein.

1. Town Counsel will conduct himself in a manner that avoids the appearance that legal advice is based solely upon political alignment or partisanship, because such advice undermines public trust. When asked for advice, Town Counsel will give candid and balanced legal advice based upon principles of law. In rendering advice, Town Counsel may refer not only to the law, but to other considerations, such as moral, economic, social and political factors that may be relevant to the Town's decision making process. However, Town Counsel should not be deterred from giving candid advice by the prospect that the advice may be unpalatable to any Town official.
2. Town Counsel will encourage and contribute to understanding of municipal government functions and operations by local officials and Boards by holding regular trainings on the Open Meeting Law, the Ethics Law, and the Public Records Law, and any other subject matter as requested by the Board of Selectmen. , or do or act anything in relation thereto.

**Proposed by: KAREN HANLON, et al.**

**Board of Selectmen Recommendation: Not Support**

**Advisory Committee Recommendation: Not Support**

**Summary:** *These actions protect the Town and the taxpayers by instituting standard policies for this important position. These actions serve and protect the best interests of the citizens by instituting detailed expectations and responsibilities, including the providing of regular training sessions on state laws, including: Open Meeting Law, the Ethics Law, and the Public Records Law, as well as any other subject matter as requested by the BOS.*

**MOTION MADE:** That the Town vote to amend certain sections of Chapter 27 relative to the Town Counsel, to read as follows, as printed in the warrant.

**AMENDMENT MADE:** That the town vote to amend the Article by adding a new section 27-8 entitled Special Counsel; and inserting at Section 2, first paragraph of the article "a vote of the Planning Board" after "a vote of the Town Meeting" and before a "vote of the Selectmen."

**AMENDMENT FAILED.**

**MOTION FAILED.**

**ARTICLE 34:**

1. To see if the Town will vote to add the following "Prohibited Conduct Policy" to Chapter 27 of the Town Code:

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TOWN OF SOUTHBOROUGH, MA  
PROHIBITED CONDUCT POLICY

1. POLICY STATEMENT

The Board of Selectmen and School Committee for the Town of Southborough adopt this policy for the Town of Southborough and the Public Schools of Southborough (together, the "Town") to protect public assets against fraudulent activity, misappropriation and corruption by Town employees, agents, elected and appointed officials, Board and Committee members, and third parties. The Town has a zero tolerance policy for such conduct and will take prompt, appropriate corrective action to address fraudulent activity, misappropriation and corruption in the event it occurs, including, but not limited to, disciplining employees up to and including termination, removing appointed officials from their respective Boards and Committees, and reporting such conduct to state enforcement agencies (e.g. State Ethics Commission and the Attorney General's Office) and law enforcement agencies for possible criminal investigation and prosecution, as appropriate.

**This policy is intended to establish procedures** to prevent whenever possible, fraud, misappropriation and corruption, to ensure for its prompt reporting and investigation, and to ensure a coordinated approach for addressing any such misconduct. It is intended to safeguard the assets of the Town and the business and financial activities conducted on behalf of the Town by its employees, agents and citizens.

2. PROHIBITED CONDUCT

This policy prohibits the use of a Town job, position or contract for personal enrichment or the enrichment of another person through deliberate misuse or misapplication of the Town's assets, as further detailed below. "Assets," as used in this policy, means Town funds, securities, supplies, inventory, vehicles, furniture, fixtures, equipment, and anything else of value. Prohibited conduct includes, but is not limited to, the following deliberate activities:

**Fraudulent Statements or Financial Misconduct.** The inclusion of false information within, or forgery of, Town financial statements or other documents belonging or submitted to the Town bearing on the Town's finances ( e.g., checks, time sheets, expense reports, contractor agreements, purchase orders, vendor invoices and supporting documentation) is prohibited.

**Asset Misappropriation.** No person or entity may misappropriate or misuse of Town assets, whether by larceny (the stealing of cash or other Town property after it has been recorded in the Town's records), "skimming" (the stealing of cash or other Town property before it is recorded in the Town's records), embezzlement (the fraudulent misappropriation of Town funds for one's use), causing fraudulent disbursements (the unauthorized disbursement of Town funds, e.g., for goods not received or for services not performed, through a trick or device such as false time sheets or expense reports or falsification of invoice dates), or unauthorized use or disposal of Town property (including, but not limited to, supplies, office equipment, cell phones and vehicles) whether or not in violation of existing policies pertaining to personal use or gain.

**Corruption.** This policy prohibits the wrongful use of influence a person may have by virtue of a person's job or position with the Town in order to procure a benefit for the person or another person, including, but not limited to bribery, forgery, asset misappropriation, economic extortion, the unlawful receipt of gratuities, conflicts of interest, and any other violation of the Massachusetts Ethics Law, Massachusetts General Laws Chapter 268A.

**Other Conduct Prohibited by This Policy.** This policy prohibits any activity that places Town assets at risk of waste or abuse, including, but not limited to, improprieties in the handling of funds or the reporting of financial transactions. This policy also prohibits any improprieties (e.g. self-dealing, conflicts of interest, kick-backs) related to recommendations or referrals made to citizens or businesses of specific contractors (including professional service providers like attorneys, brokers, bankers or accountants); any willful destruction of Town property; failure to accurately complete with sufficient detail Conflict of Interest forms and Mullins Certifications; defrauding the Town of permits and/or approvals. Prohibited conduct also includes acting with gross negligence, bad faith, or malice. A conflict of interest may exist if a committee or board member can reasonably expect that his or her official conduct will directly result in a financial benefit to the member, the member's family, business associates, employers, or any businesses that the member represents in private life. The Town shall not provide legal counsel or reimburse legal fees for any individual or entity that has engaged in conduct prohibited by this policy. This policy does not replace but i s

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meant to supplement applicable conflict of interest laws, Massachusetts General Law, and other existing policies of the Town and School.

3. PROCEDURES AND RESPONSIBILITIES

a. **Reporting Procedure**

Any employee who believes that fraud, misappropriation, corruption, or other conduct prohibited by this policy has occurred shall promptly report any such suspected misconduct to any of the following Administrators. For the purposes of Town employees, an Administrator is a Supervisor, a Department or Division Head, the Comptroller, the Finance Director, or the Town Administrator. For purposes of School employees, an Administrator is a Supervisor, a Principal, a School Administrator, the Deputy Superintendent for Finance and Administration, the Superintendent of Schools, the Comptroller or the Finance Director. The Town strongly encourages non-employees to also report such suspected misconduct to these individuals. In the event the alleged fraud, misappropriation, or other conduct has been committed by an Administrator, the report shall be made to an Administrator other than the Administrator suspected of misconduct. Supervisors, Department/Division Heads, the Comptroller, the Finance Director, the Town Administrator, Principals, the Deputy Superintendent for Finance and Administration, the Superintendent of Schools and School Administrators must promptly report all suspected instances of fraud or other conduct prohibited by this policy to the Town Counsel's Office and to the Town Administrator or Superintendent of Schools. Town Counsel, the Town Administrator, the Superintendent of Schools shall, jointly or independently, forward such reports to the Board of Selectmen and /or the School Committee, as appropriate. Should these senior administrators and Town Counsel deem appropriate, it shall also be reported to the Southborough Police Department.

The Town **prohibits retaliation** against persons who have made reports in accordance with this policy of **suspected fraud, misappropriation, corruption**, or **other conducts prohibited by this policy**.

b. **Responsibilities** The following individuals are responsible for establishing and maintaining proper internal controls that provide security and accountability for the assets and resources entrusted to them: within the Town, the Town Administrator, and/or his or her designee(s), including Supervisors and Department/Division Heads; within the School Department, the Superintendent, and/or his or her designee(s), including Deputy Superintendents, Assistant Superintendents, Principals, Headmaster, and all other administrators. Such individuals should be familiar with the risks and exposure inherent in their areas of responsibility and be alert for any indications of fraud, misappropriation, and other prohibited conduct. If the situation warrants immediate action - for example, obvious theft has taken place, security of assets is at risk, or immediate recovery is possible - management and non-managerial staff receiving reports should immediately contact the Police.

As detailed above, all employees with information about violations of this policy shall do the following:

- Insure that notification promptly reaches the Town Administrator or the Superintendent of Schools and the office of Town Counsel.
- Do not contact the suspected individual to determine facts or demand restitution. Under no circumstances should there be any reference to "what you did", "the crime", "the fraud", "the forgery", "the misappropriation", etc.
- Administrators should consult with Town or School Human Resources departments and Town Counsel to determine whether any immediate personnel action is warranted (see section 5.Discipline, below).
- Do not discuss the case, facts, suspicions, or allegations with anyone, unless specifically directed to do so by the Town Administrator or the Superintendent of Schools and/or the office of Town Counsel.
- Direct to Town Counsel all inquiries from any suspected individual, his or her representative, or his or her attorney. Direct all inquiries from the media to the Town Administrator or School Superintendent's office.

With the approval and instruction of the BOS, Town Counsel and/or Special Counsel shall investigate suspected violations of this Policy. In doing so, with the approval and instruction of BOS, Town Counsel may seek the collaboration and/or assistance of internal or external departments, such as the Finance Director, Deputy Superintendent

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for Finance and Administration, Comptroller, Town and School Human Resources Departments, Police Department, and/or other federal, state, or local agencies as circumstances may warrant.

With the approval of BOS, Town Counsel and/or Special Counsel shall have full, free and unrestricted access to all records and personnel of the Town for such purpose. All investigations will be conducted in conformity with applicable state and federal laws and regulations and School and/or Town system policies and procedures, as well as applicable contractual and collective bargaining requirements.

The Town Finance Director and/or Comptroller's Office shall, after consultation with Town Counsel, coordinate the notification of insurers and filing of claims with the Chief Procurement Officer, and, if federal funds, are involved, determine the required federal reporting requirements and take the steps necessary to comply with them.

The Treasurer shall be responsible for notifying the bonding companies and filing bonding claims.

All employees shall be vigilant to possible fraud, misappropriation and other misconduct prohibited by this policy and shall provide their full cooperation as may be necessary for the implementation of this Policy and for reporting, and investigation of such misconduct and, as may be appropriate, the prosecution of offenders.

All parties shall maintain the confidentiality of reports and investigations into suspected or substantiated reports of fraud, misappropriation, corruption or other conduct prohibited by this Policy, except as may be necessary to make a report under this policy, to conduct an investigation, to take any necessary corrective action, and to respond to or conduct any legal and/or administrative proceedings related to the alleged misconduct, or as may otherwise be specified by the Superintendent of Schools, Town Administrator, Finance Director, the Controller, or Town Counsel.

No employee shall knowingly make a false accusation, alert suspected individuals that an investigation is under way, or knowingly make statements that could lead to claims of false accusation.

Every effort should be made to effect recovery of Town losses from responsible parties or through Town insurance coverage.

In the event the alleged prohibited conduct is alleged to have been committed by Town Counsel or anyone in the Town Counsel staff, Town Counsel's responsibilities under this section shall be performed by the Town Administrator or his designee.

#### 4. NON-FRAUD IRREGULARITIES

Identification or allegations of acts outside the scope of this policy, such as personal improprieties or irregularities (whether moral, ethical, or behavioral), other safety or work-related conduct, or complaints of discrimination or sexual harassment, should be resolved by the respective area management in conjunction with Human Resources and/or with reference to any other existing Town or School policies, guidance or resources.

Examples of such policies include Anti Discrimination, Sexual Harassment, and Retaliation (this list is not all-inclusive).

The Town Counsel's Office may be consulted with any questions concerning this policy.

#### 5. DISCIPLINE

The Town maintains a zero tolerance policy with respect to Fraud. Violations of this policy will result in appropriate discipline, up to and including termination. When the Town determines there is a violation of this policy, the Town will act promptly to eliminate the conduct and impose any necessary corrective action. Such corrective action may include, but is not limited to counseling, verbal or written warning, suspension, demotion, transfer, termination or removal from an appointed position.

Any discipline will be taken in accordance with applicable labor contracts and bylaws as applicable. Employees found to have knowingly made false accusations or given knowingly false statements regarding this policy will be disciplined up to and including termination.

Any employee, vendor, or Town agent who has engaged in prohibited conduct as described in this Policy, will be disciplined and/or prosecuted by the Town Administrator or Superintendent of Schools, or by the Board of Selectmen or School Committee as appropriate.

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6. OTHER ACTIONS

Consistent with the Town's Zero Tolerance Policy, in addition to disciplinary action, the Town shall pursue appropriate corrective action to the fullest extent under federal and state laws.

, or do or act anything in relation thereto.

**Explanation:** This provision prohibits misconduct and is intended to establish procedures to prevent whenever possible, fraud, misappropriation and corruption, to ensure for its prompt reporting and investigation, and to ensure a coordinated approach for addressing any such misconduct. It is intended to safeguard the assets of the Town and the business and financial activities conducted on behalf of the Town by its employees, agents, and citizens.

**Proposed by:** KAREN HANLON, et al.

**Board of Selectmen Recommendation:** Not Support

**Advisory Committee Recommendation:** Not Support

**Summary:** *These actions protect the Town and the taxpayers by instituting a self-explanatory, standard policy for town government officials and volunteers. The policy is intended to be a common-sense, helpful written resource guide to laypersons. In addition to various State Laws, the policy is an essential basic tool at the Town level to assure good and transparent local government performance, as well as enforcement procedures. It allows for proper transparency, clarity, accountability, safeguards, and protection from prohibited and unlawful conduct. Current policies are inadequate and reportedly have not been in practice or even implementation. What should be publicly posted information, is not posted on the Town Website. By clarifying State Law and providing other useful information, this policy establishes clear rules and procedures and is intended to be an excellent resource guide and preventive measure, thereby protecting the town from costly litigation and unscrupulous behaviors.*

**MOTION MADE:** That the Town will vote to add the following "Prohibited Conduct Policy" to Chapter 27 of the Town Code as printed in the warrant.

**MOTION FAILED.**

**ARTICLE 35:** To see if Town Meeting will vote to request the Board of Selectmen engage in discussions with non-profit entities owning real property in Southborough valued *in toto* more than three million dollars, with the objective of establishing formal agreements through which these entities contribute reasonable annual PILOT (Payment in Lieu of Taxes) amounts to cover the Town's cost of providing services for them, for their staff, and for others associated with their activities in the Town.

**FURTHER REQUESTS that:**

Should the efforts of the Selectmen not result in agreements with the Town's non-profit entities for PILOT payments by October 30, 2019, that the Board of Selectmen believes are fair and reasonable and will recommend that the Town approve, it shall immediately prepare and submit a Home Rule Petition warrant article, with language similar to the language previously approved by the State Legislature for the City of Cambridge, for the next Town Meeting to vote to send to the State Legislature for approval, which Home Rule Petition when approved, will remove the Town's non-profit entities from protection under (MGL) Chapter 40A, Section 3, known as the "Dover Amendment".

, or do or act anything in relation thereto.

**Proposed by:** PATRICIA BURNS FIORE, et al.

**Board of Selectmen Recommendation:** Not Support

**Advisory Committee Recommendation:** Not Support

**Summary:** *The non-profits in Southborough continue to expand both by construction/renovation of buildings and the purchase of residential real estate, without obligation to pay taxes to support town services and on-going town expenses. Their share of the costs is levied upon the tax-paying citizens of Southborough. This article seeks to establish formal agreements with the non-profits committing them to annually pay "their fair share" of the cost for town services they use for the property they own.*

**MOTION MADE:** That the Town vote to approve the article as printed in the warrant.

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**FIRST AMENDMENT MADE:** That the town vote to amend the Article by striking the word “Three” before million dollars and by substituting the word “Eight.”

**FIRST AMENDMENT PASSED.**

**SECOND AMENDMENT MADE:** That the town vote to amend the amended Article by striking the second paragraph in its entirety.

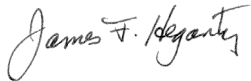
**SECOND AMENDMENT PASSED.**

**MOTION AS AMENDED PASSED.**

**MOTION TO DISSOLVE THE 2019 ANNUAL TOWN MEETING AT 11:25 PM PASSED.**

True Copy

Attest:



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James F. Hegarty, Town Clerk



Town of Southborough  
Annual Town Election  
Official Results  
May 14, 2019

CANDIDATE			Precinct 1	Precinct 2	Precinct 3	Totals
	Votes Cast:		465	395	340	1,200
<b>BOARD OF ASSESSORS</b>	3yrs	vote 1				
Blanks			131	107	76	314
<b>Jeffrey W. Klein - incumbent</b>			334	287	264	885
Write-ins			0	1	0	1
<b>TOTALS</b>			465	395	340	1,200
<b>BD OF COMM OF TRUST FUNDS</b>	3yrs	vote 1				
Blanks			137	113	82	332
<b>Nicolas A. McCoy - incumbent</b>			327	282	258	867
Write-ins			1	0	0	1
<b>TOTALS</b>			465	395	340	1,200
<b>BD OF COMM OF TRUST FUNDS</b>	2yrs	vote 1				
Blanks			123	107	77	307
<b>Susan Delarda-Wood</b>			341	288	262	891
Write-ins			1	0	1	2
<b>TOTALS</b>			465	395	340	1,200
<b>BOARD OF HEALTH</b>	3yrs	vote 1				
Blanks			129	114	81	324
<b>Mary Lou Woodford - incumbent</b>			336	281	259	876
Write-ins			0	0	0	0
<b>TOTALS</b>			465	395	340	1,200
<b>BOARD OF SELECTMEN</b>	3yrs	vote 2				
Blanks			92	76	59	227
Steven J. David			93	63	102	258
<b>Martin F. Healey</b>			263	239	201	703
Joseph E. Hubley			242	165	166	573
<b>Sam R. Stivers</b>			240	245	152	637
Write-ins			0	2	0	2
<b>TOTALS</b>			930	790	680	2,400
<b>LIBRARY TRUSTEES</b>	3yrs	vote 2				
Blanks			278	242	170	690
<b>Marguerite H. Landry - incumbent</b>			340	281	266	887
<b>Richard J. Wallace - incumbent</b>			311	267	244	822
Write-ins			1	0	0	1
<b>TOTALS</b>			930	790	680	2,400
<b>Housing Authority</b>	5yrs	vote 1				
Blanks			134	111	74	319
<b>Nancy G. Morris - incumbent</b>			330	282	264	876
Write-ins			1	2	2	5
<b>TOTALS</b>			465	395	340	1,200
<b>MODERATOR</b>	1yr	vote 1				
Blanks			128	127	68	323
<b>Paul M. Cimino - incumbent</b>			336	263	271	870
Write-ins			1	5	1	7
<b>TOTALS</b>			465	395	340	1,200

<b>Town of Southborough</b>		
<b>Annual Town Election</b>		
<b>Official Results</b>		
<b>May 14, 2019</b>		

CANDIDATE			Precinct 1	Precinct 2	Precinct 3	Totals		
	Votes Cast:		465	395	340	1,200		
NB/SB REGIONAL SCHOOL	3yrs	vote 1					N'boro	
Southborough Candidate							Votes	Total
Blanks			178	154	100	432	425	857
<i>Daniel L. Kolenda - incumbent</i>			283	235	235	753	1,137	1,890
Write-ins			4	6	5	15	4	19
TOTALS			465	395	340	1,200	1,566	2,766
NB/SB REGIONAL SCHOOL	3yrs	vote 1					N'boro	
Northborough Candidate							Votes	Total
Blanks			163	132	92	387	315	702
<i>Joan G. Frank - incumbent</i>			302	262	248	812	1,240	2,052
Write-ins			0	1	0	1	11	12
TOTALS			465	395	340	1,200	1,566	2,766
			464	395		1,200		2,778
NB/SB REGIONAL SCHOOL	1yr	vote 1					N'boro	
Northborough Candidate							Votes	Total
Blanks			206	175	140	520	298	818
Christopher D. Covino			105	86	79	270	494	764
<i>Sean P. O'Shea</i>			154	133	120	408	767	1,175
Write-ins			0	1	1	2	7	9
TOTALS			465	395	340	1,200	1,566	2,766
PLANNING BOARD	5yrs	vote 1						
Blanks			141	84	85	310		
<i>Marnie L. Hoolahan</i>			322	307	251	880		
Write-ins			2	4	4	10		
TOTALS			465	395	340	1,200		
SCHOOL COMMITTEE	3yrs	vote 1						
Blanks			127	115	79	321		
<i>Roger W. Challen - incumbent</i>			337	280	259	876		
Write-ins			1	0	2	3		
TOTALS			465	395	340	1,200		

	Registered	Votes			
Registered Voters	Voters	Cast			
Precinct 1	2,502	465			
Precinct 2	2,329	395			
Precinct 3	2,437	340			
<b>Total # Registered Voters</b>	<b>7,268</b>	<b>1,200</b>			
<b>Voter Turnout %</b>	<b>16.51%</b>				

**\*As of April 24, 2019, the deadline to register.**

**Winners are indicated in bold italics**

**A True Attest Copy:**

**James F. Hegarty, Town Clerk**





Report of the Southborough Town Clerk  
Minutes of the Annual Town Meeting  
June 13, 2020

At the Annual Town Meeting duly called and held at the baseball field adjacent to the Neary School, 53, Parkerville Road, Southborough, on Saturday, June 13, 2020, at 1:00 PM, the following Articles were voted on in a legal manner. There was a quorum present (100 voters = quorum); 181 voters were present.

The Town Moderator, Paul M. Cimino, called the meeting to order at 1:27 PM.

**MOTION MADE:** To waive the reading of the Warrant and the return of service of the Warrant.  
**MOTION PASSED.**

**MOTION MADE:** That the following articles be combined for one vote and to pass them:  
Articles 2, 3, 4, 11, 12, 13, 15, 16, 17, 18, 21.

**ARTICLE 2:** To see if the Town will vote to accept any sum of money from St. Mark's School, Fay School, Harvard Medical School, L'Abri Fellowship, The New England Center for Children, and any other contributor and deposit same amount in Estimated Receipts Account, and determine what disposition shall be made of the same, if accepted, or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *To allow the Board of Selectmen to accept donations from Tax Exempt organizations and determine the disposition of funds.*

**ARTICLE 3:** To see if the Town will vote to authorize the Town Treasurer, with the approval of the Selectmen, to borrow from time to time in anticipation of revenue of the financial year beginning July 1, 2019 in accordance with the provisions of Massachusetts General Laws, Chapter 44, and to issue a note or notes as may be given for a period of less than one year in accordance with Massachusetts General Laws, Chapter 44, Section 17 as amended, or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *This article allows the Town Treasurer to short-term borrow in anticipation of revenue.*

**ARTICLE 4:** To see if the Town will vote in accordance with the provisions of Massachusetts General Laws Chapter 30B, Section 12(b), to authorize the Board of Selectmen or the Superintendent of Schools to solicit and award contracts for terms exceeding three years, including any renewal, extension or option, provided in each instance the longer term is determined to be in the best interest of the Town by a vote of the Board of Selectmen or the School Committee, as appropriate, or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation:** Support

**Advisory Board Recommendation:** Support

**Summary:** *This article allows the Selectmen and/or the School Committee to enter into contracts in excess of three years, if deemed in the best interest of the Town to do so. This has been an annual article, and the exemption has been limited to contracts of no more than seven years.*

**ARTICLE 11:** To see if the Town will vote to raise and appropriate or transfer from any available funds the sum of \$28,000 for the purpose of paying to retirees the amount due for accrued vacation and sick time, or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *This article will fund any vacation and sick pay due to employees upon their retirement.*

Report of the Southborough Town Clerk  
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**ARTICLE 12:** To see if the Town will vote to raise and appropriate the sum of \$10,000 for the purpose of paying the Town's share of casualty and other losses incurred to Town property and equipment which are not covered by insurance policies, or do or act anything in relation thereto.

**Proposed by:** BOARD OF SELECTMEN

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *This article will provide funds to be used to pay the deductible for property damage which is not covered by insurance.*

**ARTICLE 13:** To see if the Town will vote to raise and appropriate, borrow and appropriate or transfer from available funds the sum of \$100,000 for the ongoing maintenance of capital equipment and systems associated with town buildings and facilities. The Town Facilities Manager shall recommend appropriate projects to the Town Administrator. The Town Administrator shall approve all expenditures under this article. The Town Facilities Manager shall report all funded projects to the Advisory Committee as requested, or do or act anything in relation thereto.

**Proposed by:** BOARD OF SELECTMEN

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *This article will provide for the maintenance and repair of capital equipment and systems associated with the Town's buildings and facilities.*

**ARTICLE 15:** To see if the Town will vote pursuant to Massachusetts General Laws, Chapter 44 § 53E ½ to authorize the following spending limits for Fiscal Year 2021:

1. Immunization/emergency dispensing clinic; \$12,000.
2. Inspectional services; \$100,000.
3. 9-11 Field Maintenance; \$100,000.
4. Wetland Protection; \$30,000.
5. Hazardous materials; \$75,000.
6. CPR classes; \$6,500.
7. Community garden; \$2,500.
8. Recreation programs; \$400,000.
9. Tobacco Control Program; \$4,000.
10. Golf Course maintenance; \$30,000.

, or do or act anything in relation thereto.

**Proposed by:** BOARD OF HEALTH, BOARD OF SELECTMEN, RECREATION COMMISSION, AND CONSERVATION COMMISSION

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *This article approves the annual spending limits for revolving funds that are now authorized by Town by-law.*

**ARTICLE 16:** To see if the Town will vote to accept the report of the Community Preservation Committee for the FY 2021 Community Preservation Projected Receipts and act upon the recommendations of the Community Preservation Committee and to set aside for later expenditure, certain sums of money from the Community Preservation Fund established pursuant to Chapter 44B of the General Laws, as follows:

Estimated Surcharge Receipts (based on Town Treasurer's projections).....	\$376,373
State Match (projected FY2021 State match).....	\$ 54,547

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FY2020 State Match Adjustment..... \$ 31,049  
Total Projected Revenue..... \$461,969

**Set Aside- Open Space**

\$46,197 to be set aside, held in the Community Preservation Fund, and spent in FY2021 or later years for acquisition, creation or preservation of open space, and for the rehabilitation and/or restoration of open space acquired under the Community Preservation Act.

**Set Aside – Historic Preservation**

\$46,197 to be set aside, held in the Community Preservation Fund, and spent in FY2021 or later years for the acquisition, preservation, rehabilitation and restoration of historic resources.

**Set Aside – Community Housing**

\$46,197 to be set aside, held in the Community Preservation Fund, and spent in FY2021 or later years for the creation, preservation and support of community housing, and for the rehabilitation and/or restoration of community housing acquired under the Community Preservation Act.

**Administrative Costs – Community Preservation Committee**

\$23,098 to defray the administrative and operating expenses of the Community Preservation Committee in FY2021 for the Community Preservation Fund (discretionary)

**Set Aside -Budgeted Reserve/Discretionary**

Reserved For FY21 CPF (Budgeted Reserve/Discretionary) \$300,280

, or do or act anything in relation thereto.

**Proposed by:** COMMUNITY PRESERVATION COMMITTEE

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *The budget and set asides are an annual requirement under the Community Preservation Act.*

**ARTICLE 17:** To see if the Town will vote to appropriate \$85,437.50 to be applied towards the bond for the Perpetual Preservation Restriction on 84 Main Street also known as the Burnett House for the purpose of Historic Preservation. \$32,278 from the CPA Historic Preservation Reserve Fund and \$53,159.50 from the CPA FY2021 Budgeted Reserve Fund. Said funds to be expended under the direction of the Community Preservation Committee and the Town Treasurer; or do or act anything in relation thereto.

**Proposed by:** COMMUNITY PRESERVATION COMMITTEE

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *This article is the Community Preservation Fund payment towards the FY2021 debt funding for the Preservation Restriction of 84 Main Street as approved at the 2016 Annual Town Meeting.*

**ARTICLE 18:** To see if the Town will vote to appropriate a total of \$114,753 to be applied towards the bond for the renovation and restoration of the Historic Southborough Library building, \$19,749 for interest due September 2020 and \$95,004 to be applied towards the bond for the purpose of Historic Preservation. \$32, 278 from the CPA historic

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Preservation Reserve Fund and \$82,475 from CPA General Unreserved Fund. Said funds to be expended under the direction of the Community Preservation Committee and the Town Treasurer; or do or act anything in relation thereto.

**Proposed by:** COMMUNITY PRESERVATION COMMITTEE

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *This article is the Community Preservation Fund payment toward the FY2021 debt funding for the renovation and restoration of the Historic Southborough Library as approved at the 2019 Annual Town Meeting.*

**ARTICLE 21:** To see if the Town will vote to accept Massachusetts General Laws Chapter 59, Section 5C1/2, which provides for an additional real estate exemption for taxpayers who are granted personal exemptions on their domiciles under Massachusetts General Laws Chapter 59, Section 5, including certain blind persons, veterans, surviving spouses and seniors, and to provide that the additional exemption shall be up to 100 percent of the personal exemption, to be effective for exemptions granted for any fiscal year beginning on or after July 1, 2020, or do or act anything in relation thereto.

**Proposed by:** BOARD OF SELECTMEN

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *Adoption of this local option will increase the property tax abatement benefits to Southborough veterans and non-veterans who currently meet eligibility requirements for personal exemptions on their property. Funds for these abatements are carried in the Assessor's overlay account.*

**MOTION PASSED.**

**MOTION MADE:** That the Town vote to reorder the consideration of the Articles contained in the warrant, specifically by advancing the following Articles for consideration at this time:

Articles 1, 19, 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32.

**MOTION PASSED.**

**MOTION MADE:** That the rules be suspended to permit simultaneous consideration and or voting of:

Articles 19, 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32.

**MOTION PASSED** by a Moderator declared 2/3rds majority.

**MOTION MADE:** That the matters contained in Articles 28, 29 and 30 be referred to the Planning Board for further study, hearing and report to the next Town meeting.

**ARTICLE 28:** To see if the Town will vote to amend the Zoning Code of the Town of Southborough, Zoning Article I entitled "Miscellaneous Provisions" and Article V entitled "Nonconforming Uses and Structures" by amending thereto Section 174-9 entitled "Special Permit Requirements" and 174-19 entitled "Extensions" as hereinafter specified.

\*\*\**Bold text are insertions. Strikethrough text are deletions.*

Article I: Miscellaneous provisions

§ 174-9 Special permit requirements.

[Amended 4-14-1986 ATM by Art. 46]

E. Nonconforming uses, lots and structures. Special permits may be issued for the extension, ~~or~~ alteration, **reconstruction or structural change** of legally nonconforming uses, structures and lots, including a change in the non-conforming use to another non-conforming use, provided that the Board of Appeals finds that such extension, alteration, **reconstruction or structural** change shall not be substantially more detrimental to the neighborhood, will not increase the extent of non-conformance in size or in impact and that the cost thereof shall not exceed 50% of the assessed value of the non-conforming structure at the time of application, and further provided that the estimate of the



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cost of any extension, ~~or~~ alteration, **reconstruction or structural change** utilized by the Board of Appeals in evaluating the above specified 50% requirement of the assessed value shall not be less than a cost estimate of such extension, ~~or~~ alteration, **reconstruction or structural change** based on a nationally recognized building cost estimate manual or system acceptable to the Zoning Board of Appeals. ~~No special permits under this subsection shall be granted for nonconforming signs subject to Chapter 93 or 93D of the General Laws.~~  
[Amended 4-15-2008 ATM by Art. 38]

§ 174-19 **Extensions, ~~or~~ alterations, reconstruction or structural changes.**  
[Amended 4-10-2000 ATM by Art. 55]

A. Nonconforming structures or uses shall not be extended, ~~or~~ altered, **reconstructed or structural changes made** except to make them conforming; unless the Board of Appeals authorizes such extension, ~~or~~ alteration, **reconstruction or structural change** by special permit upon making findings as provided in § 174-9E.

~~B. Single family and two family residential structures. In the following circumstances, Notwithstanding the provisions of Section A above, as provided in M.G.L. c.40A, § 6, if any proposed extension, alteration, reconstruction, extension or structural change to a single or two-family residential structure complies with one of the conditions set forth in subsections (1) through (5) below, such extension, alteration, reconstruction or structural change structure shall not be considered an increase in the non-conforming nature of the structure and shall be permitted as of right.~~  
[Amended 10-7-2013 STM by Art. 9]

(1) **Extension, aAlteration, reconstruction or structural change** to a structure which complies with all current setbacks, lot coverage and building height requirements but is located on a lot with insufficient area; where the alteration will also comply with all of said current requirements.;

(2) **Extension, aAlteration, reconstruction or structural change** to a structure which complies with all current setbacks, lot coverage and building height requirements but is located on a lot with insufficient frontage; where the alteration will also comply with all of said current requirements.;

(3) **Extension, aAlteration, reconstruction or structural change** to a structure which encroaches upon one or more required setbacks; where the alteration will comply with all current setbacks, open lot coverage and building height requirements. The provisions of this sSubsection ~~B (3)~~ shall apply regardless of whether the lot complies with current area and frontage requirements.

(4) **Extension, alteration, reconstruction or structural change to the rear, side or fascia of a structure which encroaches upon a required yard or setback area where the alteration will not encroach upon such area to a distance greater than the existing structure. The provisions of this subsection shall apply regardless of whether the lot complies with current area and frontage requirements.**

(5) **Extension, alteration, reconstruction or structural change to a non-conforming structure which will not increase the footprint of the existing structure providing that existing height restrictions shall not be exceeded.**

In the event that the Building Commissioner determines that none of the exemptions set forth in subsections (1) through (5) apply, and the Building Commissioner determines that the non-conforming nature of such structure would be increased by the proposed extension, alteration, reconstruction or structural change, then the Board of Appeals may, by special permit, allow such extension, alteration, reconstruction or structural change where the proposed modification will not be substantially detrimental than the existing non-conforming structure to the neighborhood.

; or do or act anything in relation thereto.

**Proposed by:** ZONING BOARD OF APPEALS  
**Board of Selectmen Recommendation:** Support  
**Advisory Committee Recommendation:** At Town Meeting

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**Summary:** *This article proposes to amend the Special Permit Requirements and Exemptions by the addition of language for the purpose of clarity and the inclusion of exemptions to comply with current case law.*

**ARTICLE 29:** To see if the Town will vote to amend the Zoning Code of the Town of Southborough Article III entitled "Use Regulations" by replacing thereto Section 174-12.1 thereof entitled "Outdoor illumination" as hereinafter specified.

*\*\*\*Bold text are insertions. Strikethrough text are deletions.*

§ 174-12.1  
Outdoor illumination.  
[Added 4-11-2005 ATM by Art. 40]

A. Purpose. This section recognizes the benefits of outdoor lighting and provides clear guidelines for its installation, so as to help maintain and complement Southborough's character. The intent of this section is to:

- (1) encourage lighting that provides safety, utility and security, **productivity, enjoyment and commerce;**
- (2) prevent glare on public roadways;
- (3) protect the privacy of residents;
- (4) promote energy-efficient outdoor lighting;
- (5) limit the total allowable illumination of lots located in the Town of Southborough; ~~to reduce atmospheric light pollution.~~
- (6) **minimize adverse offsite impact such as light trespass, and obtrusive light;**
- (7) **curtail light pollution and reduce skyglow to create a healthy night-time environment for residents of Southborough**

**The Planning Board is authorized to promulgate rules and regulations to carry forth the purpose and intent of these Bylaw provisions.** Appropriately regulated, and properly installed, outdoor lighting will contribute to the safety and welfare of the residents of Southborough.

B. Applicability. Outdoor illumination by flood or spot luminaires rated at 900 lumens or more (which is approximately equal to one sixty-watt incandescent light bulb) or by any other luminaires rated at 1,800 lumens or more (which is approximately equal to one one-hundred-twenty-watt incandescent light bulb) shall be subject to the provisions of this section **including application to single and two-family residential lots**, with the following exceptions:

- (1) emergency lighting;
- (2) hazard warning;
- (3) temporary decorative or holiday lighting ~~or public roadway illumination.~~

It shall also not apply to any luminaire intended solely to illuminate any freestanding sign, flag or the walls of any building, but such luminaire shall be shielded so that its direct light is confined to the surface of such sign, flag or building.

~~(1) The replacement of existing fixtures shall be subject to the provisions of this section; however, the replacement of existing nonconforming lamps or fixtures with the same or lower output nonconforming lamps or fixtures is exempted.~~

**The replacement of fixtures or luminaires shall be subject to the provisions of this section and comply with guidance outlined in the Rules and Regulations for Outdoor Illumination maintained by the Planning Board. Non-conforming fixtures or luminaires requiring replacement for any reason (including but not limited to end of life, breakdown, vandalism) shall be replaced in compliance with this Bylaw.**

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(2) The Planning Board, in performing review pursuant to § 174-10, Site plan approval, may determine that special circumstances of the site, context or design make an alternative lighting design at least equally effective in meeting the purposes of this section and, in such cases, may modify the requirements of this section.

**C. Enforcement.** The owner of any lot or property on which a luminaire subject to this Bylaw is located or proposed to be located shall have the burden of demonstrating that the existing or proposed luminaire complies with the standards established by this Bylaw. The manufacturer's specification sheet may be used to establish the lumen level of a luminaire, correlated color temperature (CCT) and, if required, to verify the use of fully shielded fixture design. Illumination levels may be verified through the use of manufacturer's photometric data sheet and/or photometric site drawing or through on-site calibrated light level meter readings. A site visit at night by a representative of the Town in the form of a visual observation and/or photograph may be required to determine if a nuisance has occurred.

(1) Violations of this Bylaw shall be subject to the provisions of the Town of Southborough Article III entitled "Use Regulations" Section 174-24 thereof entitled "Enforcement; procedures; violations and penalties."

**D. Definitions.** For the purposes of this section, the following terms shall be defined as indicated below. Although set forth here for convenience, the terms shall have the same effect as if in § 174-2 of this Bylaw.

**BACKLIGHT** – For an exterior luminaire is the 90-degree quarter-sphere located behind and below the light source. For luminaires with symmetric distribution, backlight will be the same as front light.

**BUG RATING** – A luminaire classification system that classifies backlight (B), uplight (U), and glare (G) per IES TM-15-11.

**CORRELATED COLOR TEMPERATURE (CCT)** – A specification of the color appearance of the light emitted by a lamp, relating its color to the color of light from a reference source when heated to a particular temperature, measured in degrees Kelvin (K).

**FIXTURE** – The assembly that houses a lamp or lamps, and which may include a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor, lens or diffuser lens.

**FRONTLIGHT** – For an exterior luminaire is the 90-degree quarter-sphere located in front and below the luminaire.

**FULL CUTOFF** – A luminaire designed with an opaque shield surrounding and extending below the lamp, such that no direct light is emitted above a horizontal plane.

**FULLY SHIELDED LUMINAIRE** — A luminaire constructed and installed in such a manner that all light emitted by the luminaire, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal plane through the luminaire's lowest light-emitting part.

**GLARE** – Light emitted from a luminaire with intensity great enough to produce annoyance, discomfort or a reduction in a viewer's ability to see, and in extreme cases causing momentary blindness.

**HARDSCAPE** – Permanent hardscape improvements to the site including parking lots, drives, entrances, curbs, ramps, stairs, steps, medians, walkways, and non-vegetated landscaping that is 100 feet or less in width. Materials may include but are not limited to concrete, asphalt, stone, and gravel.

**INDIRECT LIGHT** – Light scatter caused by direct light being redirected from a surface.

**LAMP** – The component of a luminaire that produces the actual light.

**LED LAMP– (Light Emitting Diode) An electric lamp with a much longer lifespan than incandescent lighting and low energy consumption.**

**LIGHT TRESPASS** – The shining of direct **or indirect** light produced by a luminaire beyond the boundaries of the lot on which it is located.

**LUMEN** – A measure of light energy generated by a light source. One footcandle is one lumen per square foot. For purposes of this bylaw, the lumen output shall be the initial lumen output of a lamp, as rated by the manufacturer.

**LUMINAIRE** – A complete lighting system, including a lamp or lamps and a fixture. **unit (fixture), consisting of a lamp, or lamps and ballast(s) (when applicable), together with the parts designed to distribute the light (reflector, lens, diffuser), to position and protect the lamps, and to connect the lamps to the power supply.**

**LUMINAIRE LUMENS** - For luminaires with relative photometry per Illuminating Engineering Society (IES), it is calculated as the sum of the initial lamp lumens for all lamps within an individual luminaire, multiplied by the luminaire efficiency. If the efficiency is not known for a residential luminaire, assume 70%. For luminaires with absolute photometry per IES LM-79, it is the total luminaire lumens. The lumen rating of a luminaire assumes the lamp or luminaire is new and has not depreciated in light output.

**MOUNTING HEIGHT** - The height of the photometric center of a luminaire in feet above grade level. Feet above grade level refers to the overall average grade of the area being illuminated.

**UPLIGHT** - For an exterior luminaire is all of the light escaping above the luminaire.

**E. Lighting zones. The Lighting Zone shall determine the limitations for lighting as specified in this section.**

**LZ-0: No ambient lighting**

Areas where the natural environment will be seriously and adversely affected by lighting. Impacts include disturbing the biological cycles of flora and fauna and/or detracting from human enjoyment and appreciation of the natural environment. Human activity is subordinate in importance to nature. The vision of human residents and users is adapted to the darkness, and they expect to see little or no lighting. When not needed, lighting should be extinguished.

**Zoning Districts: Conservation and Research, Scientific & Professional**

**LZ-1: Low ambient lighting**

Areas where lighting might adversely affect flora and fauna or disturb the character of the area. The vision of human residents and users is adapted to low light levels. Lighting may be used for safety and convenience but it is not necessarily uniform or continuous. After curfew, most lighting should be extinguished or reduced as activity levels decline.

**Zoning Districts: Residence A and Residence B**

**LZ-2: Moderate ambient lighting**

Areas of human activity where the vision of human residents and users is adapted to moderate light levels. Lighting may typically be used for safety and convenience, but it is not necessarily uniform or continuous. After curfew, lighting may be extinguished or reduced as activity levels decline.

**Zoning Districts: Business Village**

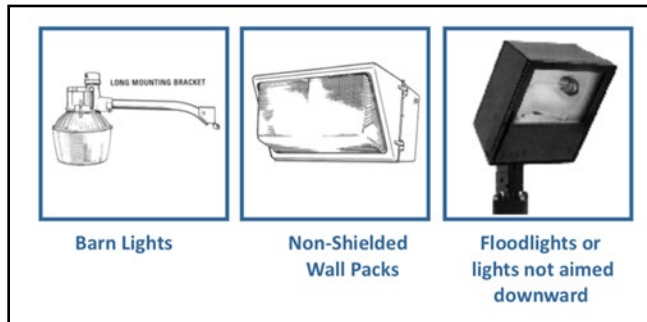
**LZ-3: Moderately high ambient lighting**

Areas of human activity where the vision of human residents and users is adapted to moderately high light levels. Lighting is generally desired for safety, security and/or convenience and it is often uniform

and/or continuous. After curfew, lighting may be extinguished or reduced in most areas as activity levels decline.

**Zoning Districts: Business Highway, Industrial and Industrial Park**

**Non-shielded wall-packs, barn lights, and floodlights not aimed downward are prohibited in all zones.**



**F. Total site lumen limit.** The total installed initial luminaire lumens of all outdoor lighting shall not exceed the total site lumen limit. The total site lumen limit shall be determined using the hardscape area and table below. For sites with existing lighting, existing lighting shall be included in the calculation of total installed lumens. The total installed initial luminaire lumens are calculated as the sum of the initial luminaire lumens for all luminaires.

**Table 1: Allowed Total Initial Lumens Per Site for Outdoor Lighting by Hardscape Method**

LZ-0	LZ-1	LZ-2	LZ-3
<ul style="list-style-type: none"><li>• Conservation</li><li>• Research, Scientific &amp; Professional</li></ul>	<ul style="list-style-type: none"><li>• Residential A</li><li>• Residential B</li></ul>	<ul style="list-style-type: none"><li>• Business Village</li></ul>	<ul style="list-style-type: none"><li>• Business Highway</li><li>• Industrial</li><li>• Industrial Park</li></ul>
0.5 lumens per SF of hardscape	1.25 lumens per SF of hardscape	2.5 lumens per SF of hardscape	5.0 lumens per SF of hardscape

**G. Correlated Color Temperature (CCT).** All proposed LEDs shall have a correlated color temperature (CCT) between 2200K and 3000K.

H. Exterior lighting plan. Applications subject to the provisions of § 174-10, Site plan approval, shall submit a lighting plan which shall include the following information, except to the extent waived by the Planning Board. All other lighting not subject to the provisions of said § 174-10 does not require a lighting plan but shall meet the standards as set forth in this ~~Bylaw section~~, unless as may otherwise be provided herein. **The installation of fixtures or luminaires shall be subject to the provisions of this bylaw and comply with guidance outlined in the Rules and Regulations for Outdoor Illumination maintained by the Planning Board.** The lighting plan shall include the following information **and comply with the regulations adopted pursuant to this Bylaw:**

- (1) Location, orientation and type of outdoor luminaire, including the height of the luminaire, both existing and proposed;
- (2) Type of lamp, such as metal halide, compact fluorescent, high pressure sodium, **LED**;
- (3) Luminaire manufacturer's specification data, including lumen output and photometric data showing cutoff angles, as well as a description of all illuminating devices, fixtures, lamps, supports, reflectors, both existing and proposed; this may include, but is not limited to, catalog cuts and illustrations by manufacturers;

**(4) Complete report of BUG rating data for all luminaires (if not already included in the manufacturer's specification data) calculated from photometric data (as per IES TM-15-11) showing compliance with the Planning Board Rules and Regulations for Outdoor Illumination;**

**(5) Photometric plan showing the intensity of illumination expressed in footcandles at ground level within the interior of the property and at the property boundaries that also includes the Total Site Lumen Limit; Limits to Off Site Impact; Light Shielding for LED lighting; and the Correlated Color Temperature; according to adopted regulations;**

**(6) Evidence that the plan complies with light trespass restrictions as set forth herein.**

**I. Waivers. An applicant may make a waiver request to the Planning Board for increased lighting levels within any given lighting zone and the Planning Board shall have such waiver authority hereunder.**

**J. Lighting control requirements. Automatic switch controls shall be provided that automatically extinguish all outdoor lighting when sufficient daylight is available using a control device or system such as a photoelectric switch, astronomic time switch or equivalent functions from a programmable lighting controller, building automation system or lighting energy management system, all with battery or similar backup power or device. The Exterior Lighting Plan shall establish curfew time(s) after which total outdoor lighting lumens shall be reduced by at least 30% or extinguished. Lighting reductions are not required for any of the following:**

**(1) Lighting for residential properties including multiple residential properties not having common areas; with the exception of landscape lighting**

**(2) When the outdoor lighting consists of only one luminaire.**

**(3) Code required lighting for steps, stairs, walkways, and building entrances.**

**(4) Lighting under canopies, in tunnels, parking garages, and similar conditions.**

**(5) When in the opinion of the Planning Board, lighting levels must be maintained.**

**(6) Motion activated lighting.**

**(7) Lighting regulated by special use in which times of operation are specifically identified.**

**(8) Businesses that operate on a 24-hour basis.**

**K. Community outdoor sports/recreational lighting requirements. These requirements are an exemption from the total site lumen limit based on hardscape metrics. Community outdoor sports or recreational facilities will be held to the IDA, IES criteria for outdoor sports lighting. On-field illuminance values will be determined by current IDA, IES set forth in the Rules and Regulations for Outdoor Illumination adopted to implement the intent and purpose of this bylaw. Standard regulations include:**

**(1) Color, luminaire correlated color temperature (CCT) may not exceed 4000 Kelvin;**

**(2) Other lighting, parking and concession area lighting will be considered a separate luminaire system and must meet the applicable lighting standards for the relevant lighting zones;**

**(3) Shut-off, curfew time shall be no later than 10:00PM (2200 hrs.); for good cause shown, the Planning Board may waive the compliance requirement of this subsection**

**L. Street lights. Light emitted by the fixture shall have a correlated color temperature no greater than 3000 Kelvin and/or comply with Massachusetts DPU Tariff standards if applicable. All other street light features are exempt from regulation under this bylaw.**

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**M. Light shielding for parking lot illumination. All parking lot lighting shall have no light emitted above 90 degrees from the installed vertical axis.**

**N. Flickering and flashing lights.** No flickering or flashing lights shall be permitted. Processes, such as arc welding, which create light flashes shall be confined within buildings or shielded to prevent either direct glare or flashing.

**O. Fixture mounting heights.**

(1) ~~F.~~ Wall-mounted fixtures. In nonresidential districts, a luminaire attached to the exterior of a building or structure for area lighting shall be mounted no higher than 15 feet above grade and shall be shielded to control glare. ~~"Wall-pac" lighting fixtures are prohibited.~~

(2) ~~P.~~ Pole-mounted fixtures. Pole-mounted exterior lighting fixtures **shall not exceed the pole-mounted height limitation of 20 feet in all zones.** ~~types are defined and restricted as follows:~~

**Existing non-conforming light heights may remain as mounted until modification is proposed, at which time the height must be brought into compliance.**

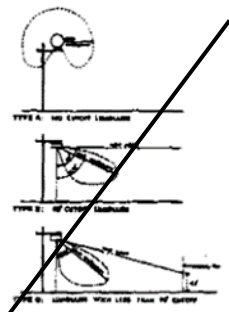
(1) Type A: no light cutoff.

(2) Type B: ~~luminaire shielded such that peak candlepower is at an angle of 75° or less from straight down, and essentially no light is emitted above the horizontal.~~

(3) Type C: ~~luminaire shielded such that total cutoff is at less than 90° from straight down, and no light source is in direct view of an observer five feet above the ground at any point off the premises.~~

~~H. Pole-mounted fixtures height limitation. Illustrations of pole-mounted exterior lighting fixture types are shown in Chart I herein. Pole-mounted fixtures shall not exceed the applicable pole-mounted height limitation set forth in Chart II in any district. The Type A pole-mounted exterior lighting fixture is prohibited in all nonresidential districts, unless equipped with shields.~~

**CHART I. ILLUSTRATIONS**



**HART II. POLE MOUNTING HEIGHT LIMITATIONS**

**Maximum Luminaire Mounting Height  
(feet above grade)\***

"District" is that in which fixtures are located.

**District**

**Residential**

**Nonresidential**

Fixture Type A

10

Not allowed (unless shielded)

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**HART II. POLE MOUNTING HEIGHT LIMITATIONS**

**~~Maximum Luminaire Mounting Height~~**  
**~~(feet above grade)\*~~**

~~"District" is that in which fixtures are located.~~

**~~District~~**

	<b><del>Residential</del></b>	<b><del>Nonresidential</del></b>
<del>Fixture Type B</del>	<del>15</del>	<del>20</del>
<del>Fixture Type C</del>	<del>20</del>	<del>20</del>

~~\* Note: Feet above grade refers to the overall average grade of the area being illuminated.~~

**P.** Ceiling-mounted fixtures. In nonresidential districts, luminaires mounted on an exterior ceiling such as under a canopy shall be mounted with the refractor or lens flush with or recessed in the ceiling or fixture.

**Q.** Lighting levels. Any luminaire with a lamp or lamps rated at a total of 1,800 lumens or more (which is approximately equal to one one-hundred-twenty-watt incandescent light bulb) and all flood or spot luminaires rated at 900 lumens or more (which is approximately equal to one 60-watt incandescent light bulb) shall not emit any direct light above a horizontal plane through the lowest direct-light-emitting part of the luminaire. If any spot or flood luminaire rated 900 lumens or less is directed or focused such as to cause direct light from the luminaire to be cast toward residential buildings on adjacent or nearby land, or to create glare perceptible to persons operating motor vehicles on public ways, the luminaire shall be redirected or its light output controlled as necessary to eliminate such conditions. The Planning Board reserves the right to limit and regulate the amount of illumination on a project site between the hours of 10:00 p.m. and 6:00 a.m., while understanding the need for safety and security lighting.

**R.** Light trespass limitations. There shall be no light trespass by a luminaire beyond the property boundaries of the lot on which it is located, except as within a street right-of-way for which there shall be no limit.

; or do or act anything in relation thereto.

**Proposed by:** PLANNING BOARD

**Board of Selectmen Recommendation:** At Town Meeting

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *This article proposes to amend the Site Plan Approval bylaw by bringing minor site plan approval under the purview of the Planning Board, as opposed to the Site Plan Review Committee and further clarify steps for minor and major site plan approval.*

**ARTICLE 30:** To see if the Town will vote to amend the Zoning Code of the Town of Southborough, Article III entitled "Use Regulations" by amending thereto Section 174-10, entitled "Site Plan Approval" as hereinafter specified.

*\*\*\*Bold text are insertions. Strikethrough text are deletions.*

§ 174-10

Site plan approval.

[Amended 4-8-1985 ATM by Art. 39; 4-14-1986 ATM by Art. 48; 4-13-1987 ATM by Art. 43; 4-11-1988 STM by Art. 4; 4-26-1990 ATM by Art. 41]



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A. The purpose of the site plan review procedure is to encourage a desirable and compatible character of development within the Town of Southborough and to assure safety, promote logic, imagination and innovation in the design process while complying with all zoning requirements. The requirements of this section shall be applicable to the following:

- (1) Any nonresidential development that results in an increase in on-site parking.
- (2) All modifications to existing development projects which fall within the applicability of the Town's regulations for parking and loading (§ 174-12) or landscaping (§ 174-13).
- (3) Any change in use or reactivation of a facility that has not been in use for a period of two years.  
[Added 4-8-1996 ATM by Art. 51]
- (4) Multifamily housing for the elderly.  
[Added 4-15-1997 ATM by Art. 56]
- (5) Adaptive reuse of historic buildings.  
[Added 4-25-2017 ATM by Art. 30]

B. Site plan review will be processed by one of the following means:

(1) Minor plan review. Any new development, or expansion in use other than a single-family or two-family residence which adds less than 2,000 square feet of floor area or which would require at least five but fewer than 20 parking spaces regardless of the number of parking spaces existing on the premises, or any change of use of a facility that totals less than 2,000 square feet shall be subject to minor plan review by the **Planning Board Site Plan Review Committee**. ~~The Site Plan Review Committee shall be chaired by the Town Planner and will consist of a Selectmen or its designee, Building Inspector, Highway Superintendent, Board of Health Agent, Superintendent of the Water Department, Police Chief and Fire Chief or their designee, who will meet at a regularly scheduled time and place to review plans.~~ The **Planning Board Committee** shall also seek the advice of the Conservation Commission in the review of all minor plan submissions.

[Amended 4-8-1996 ATM by Art. 51]

(a) ~~Minor plan review will require 10 copies of the site plan to be submitted to the office of the Planning Board, together with an application form and filing fee.~~ **A complete application form, filing fee and multiple copies of all submission documents shall be submitted to the office of the Planning Board according to instructions on the application form.** All plans will be prepared at a scale no greater than one inch equals 40 feet on standard twenty-four-by-thirty-six-inch sheets and shall show, as a minimum:

- [1] All existing and proposed buildings, including setbacks.
- [2] Existing and proposed parking.
- [3] Driveway openings.
- [4] All property and street lines.
- [5] Existing and proposed landscaping.
- [6] Existing and proposed signs.
- [7] Surfacing, indicating treatment of all surfaces.
- [8] Location of all wetlands.
- [9] Method of sewage disposal.
- [10] Water supply.
- [11] Stormwater drainage.
- [12] Such other information as the **Planning Board Site Plan Review Committee** may reasonably request.

~~(b) Any dispute arising from the minor plan review process or any plan not receiving unanimous approval from the Site Plan Review Committee shall be referred to the Planning Board for action. The Committee may~~

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~~also refer any site plan that, due to unusual circumstances or a unique situation, it feels should be approved by the Planning Board. All site plans sent to the Planning Board by the Site Plan Review Committee for action will be handled through the minor plan review process.~~

~~[Amended 4-8-1996 ATM by Art. 51]~~

**(b) Minor site plan is not a public hearing.**

(c) ~~The Planning Board Site Plan Review Committee~~ shall approve, ~~or disapprove or refer to the Planning Board~~ all submittals for minor site plan review within ~~the required~~ 30 days of a completed application to the office of the Planning Board, **but the required time may be extended by written agreement between the applicant and the Board, a copy of said agreement to be filed with the Town Clerk. The actions allowed by the minor site plan approval are authorized for a one-year period from the date of grant thereof. The applicant shall be granted a single one-year extension by applying to the Planning Board, in writing, prior to the date of expiration. If the actions permitted are not exercised or the approval not extended, they shall lapse, and a new application will be required.**

(d) Where applicable, all other criteria and conditions of this section will govern minor plan review.

(2) Major plan review. Any new development, or expansion in use other than a single-family or two-family residence which adds 2,000 square feet or more of floor area or which would require 20 or more parking spaces, regardless of the number of parking spaces existing on the premises, or any change of use of a facility that totals 2,000 square feet or more shall be subject to major plan review by the Planning Board. The major site plan submission shall consist of the following elements:

~~[Amended 4-8-1996 ATM by Art. 51]~~

(a) Ownership, zoning, use and the general location of structure and topography within 300 feet of the property lines of the site or adjacent land contiguously owned with the site.

(b) **All plans will be prepared at a scale no greater than one inch equals 40 feet on standard twenty-four-by-thirty-six-inch sheets and shall show, as a minimum, all site features, existing or proposed, including but not limited to the following:**

- [1] Driveways, including widths.
- [2] Parking facilities, including dimensions thereof.
- [3] Loading facilities.
- [4] Service areas.
- [5] Street line, including widths.
- [6] Roadways, including widths.
- [7] Pedestrian walks, including widths and types of surface.
- [8] Landscaping designation, specific plantings.
- [9] Screening.
- [10] Signs, including proposed sizes, mounting heights, types and drafted design.
- [11] Lighting, including plan location and detail information, size, type and wattage.
- [12] Surfacing, indicating treatment of all surfaces.
- [13] Existing trees on the site which are a caliper of six inches or larger.
- [14] Wetlands.
- [15] Drainage, including detailed design data, pipe sizing, etc.
- [16] Stone walls.

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[17] Topography at two-foot contour intervals.

[18] Sewage disposal, including detailed design information.

[19] Water supply.

[20] Curbing.

[21] Such other information as the Planning Board may reasonably request.

(c) The construction of the work as detailed on the site plan shall not deviate from the work shown on the approved site plan. Accordingly, the site plan shall contain a sufficient level of detail to ensure the constructability of the project. Supporting details and documentation shall be presented as part of the site plan submission.

(3) Incomplete applications for both the minor and major review shall not be accepted by the Planning Board. Following submission of a site plan to the Planning Board, the Board or its designee shall review the **application**/plan for completeness within three business days of the submission. Completeness shall be based on the requirements of **the this respective subsections for minor or major review**. If the submission is determined incomplete by the Planning Board or its agent, notice will be **provided mailed** to the applicant ~~by certified mail~~ within three business days of the submission specifying the deficiencies.

C. The plans **for minor or major site plan approval** shall be prepared by a professional engineer, land surveyor, architect or landscape architect registered to practice in the Commonwealth of Massachusetts. **A complete application form, filing fee and multiple copies of all submission documents shall be submitted to the office of the Planning Board according to instructions on the application form.** ~~and shall be submitted with 11 copies to the office of the Planning Board, together with an application form and a filing fee, if any.~~

D. Approval required.

(1) Site plan approval shall be granted **by a majority vote** upon determination by the Planning Board that the following are complied with. Any new building construction or other site alteration shall provide adequate access to each structure for fire and service equipment; **shall provide and** adequate provision for utilities and stormwater drainage consistent with the functional requirements of the Southborough Planning Board's Rules and Regulations for the Subdivision of Land; ~~and~~ shall be so designed that for the given location, ~~and~~ type and extent of land use, the design of building form, building location, egress points, grading and other elements of the development shall be so as to:

(a) Minimize the volume of cut and fill, the number of removed trees six inches in caliper and larger, the length of removed stone walls, the area of wetland vegetation displaced, the extent of stormwater flow increase from the site, soil erosion and the threat of air or water pollution.

(b) Maximize pedestrian and vehicular safety and convenience within the site and egressing from it.

(c) Minimize obstruction of scenic views from publicly accessible locations.

(d) Minimize visual intrusion by minimizing the visibility of parking, storage or other outdoor service areas viewed from public ways or premises residentially used or zoned; minimizing glare from headlights through plantings or other screening; minimizing lighting intrusion through use of such devices as cutoff luminaires confining direct rays to the site; fixture mounting height not higher than 20 feet except adjacent to Route 9; and avoiding unreasonable departure from the character of buildings in the vicinity.

(2) The Planning Board shall adopt and from time to time amend reasonable regulations for the administration of these guidelines.

E. The Planning Board shall hold a public hearing on the application for **major** site plan approval, with a written notice of the time and place of said hearing being given the applicant and the Board of Selectmen. The applicant is responsible

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for sending this notice to the certified abutters by certified mail return receipt requested, at least 10 days before the scheduled hearing. The Planning Board shall not act on the application until it has received and given due consideration to the recommendations of the Board of Selectmen or until 10 days have elapsed after the public hearing without receipt of the Selectmen's comments.

F. The Planning Board shall act on ~~an~~ **complete** application for **major** site plan approval and shall notify, in writing, the applicant, the Board of Selectmen and the Building Inspector of its action within 60 days of the receipt of ~~a the complete application, but the required time may be extended by written agreement between the applicant and the Board, a copy of said agreement to be filed with the Town Clerk. Failure of the Planning Board to so act and to notify the applicant within said 60 days shall constitute approval of the site plan.~~ The actions allowed by the **major** site plan approval are authorized for a one-year period from the date of grant thereof. The applicant shall be granted a single one-year extension by applying to the Planning Board, in writing, prior to the date of expiration. If the actions permitted are not exercised or the approval not extended, they shall lapse, and a new application notice and hearing will be required.

G. Any person aggrieved by the action of the Planning Board on ~~a either minor or major~~ site plan approval application may appeal said action to a Court of competent jurisdiction in accordance with M.G.L. c.40A, Section 17, **as amended**. [Amended 5-22-2018 STM by Art. 3]

H. Minor departures from the site plan as approved, may be authorized by the Building ~~Commissioner Inspector~~ after approval of the ~~Planning Board Site Plan Review Committee~~ if required by engineering or other circumstances not foreseen at the time of plan approval. Any change increasing the size of any building or structure, changing the location of any building, parking or access road by more than 10 feet or reducing landscaping or screening may be made only through review by the Planning Board following the same procedures as for an original submittal. Any departure must be requested, in writing, with the basis for the change given. Any change authorized shall be recorded on the file copy of the site plan with the Building ~~Commissioner Inspector's~~ signature and the date.

I. The removal, fill or change of grade of earth materials, including soil, loam, sand or gravel, undertaken in order to construct or locate buildings, structures and such features accessory thereto as ways, driveways, areaways, walks or parking areas, and therefore exempt from regulations under Chapter 85 of this Code, is a part of construction and development process regulated by the Zoning Chapter. Except as necessary for the construction of detached one- or two-family dwellings and of features accessory thereto, the removal, fill or change of grade of earth materials for the purposes defined above shall be subject to approval under this section. Where the commencement of removal, fill or change of grade of earth materials precedes construction by three months or more, the submission and approval of the site plan may be undertaken in two stages, with the information for the first stage limited to property boundaries, existing and proposed topography at two-foot or lesser contour intervals, the character of the soil to be removed, added or relocated, the location and depth of any service and drainage conduits or pipes and the approximate location of any existing or proposed buildings, structures or physical features accessory thereto. Each stage shall be treated as a separate site plan for the purposes of this section, and the approval of Stage 1 of a site plan shall not be construed to assure the subsequent approval of Stage 2.

J. Compliance. The issuance of an occupancy permit will not be given prior to the satisfactory completion of all elements and conditions of the approved site plan. A temporary occupancy permit may be issued after the satisfactory completion of all items essential to public health and safety and sufficient bonding acceptable to the Planning Board is provided to the Town to cover all outstanding items.

; or do or act anything in relation thereto

**Proposed by:** PLANNING BOARD  
**Board of Selectmen Recommendation:** Support

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**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *This article proposes to amend the Site Plan Approval bylaw by bringing minor site plan approval under the purview of the Planning Board, as opposed to the Site Plan Review Committee and further clarify steps for minor and major site plan approval.*

**MOTION PASSED.**

**MOTION MADE:** That the matters contained in Articles 1, 19, 20, 22, 23, 24, 25, 26, 27, 31, and 32 be postponed indefinitely.

**ARTICLE 1:** To hear reports of the various Town Officers and Committees and to take such action thereon as the Town may vote.

**Proposed by:** BOARD OF SELECTMEN

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *To hear reports of Town Boards, Committees or Commissions.*

**ARTICLE 19:** To see if the Town will vote to appropriate \$238,750 from the CPA Fund FY2021 Budgeted Reserve for the renovation and restoration of Kallander Field, located on Kallander Drive in Southborough (Parcel ID 56-0000-012-0) for recreation purposes as requested by the Recreation Department. This consists of \$210,100 in project costs and an additional \$28,650 in contingency funding. Contingency funds only available after approval of the CPC for unexpected costs unforeseen at the time of application. Project to be completed in conformance with details as presented to the members of the CPC and to be documented in the application and signed Memorandum of Understanding. Said funds to be expended under the direction of the Community Preservation Committee and the Town Treasurer; or do or act anything in relation thereto.

**Proposed by:** COMMUNITY PRESERVATION COMMITTEE

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *Under the direction of the Recreation Director Tim Davis and the Southborough Recreation Department, said funds will be used to restore and renovate Kallander Field, to address significant drainage issues that plague the field.*

**ARTICLE 20:** To see if the Town will vote to appropriate \$300,000 for the restoration and preservation of the Historic St. Mark's Bell Tower located at 27 Main Street Southborough for Historic purposes. \$23,061.76 from the CPA Historic Preservation Reserve Fund and \$276,938.24 from CPA General Unreserved Fund. Project to be completed in conformance with details as presented to the members of the CPC and to be documented in the application and signed Memorandum of Understanding. Said funds to be expended under the direction of the Community Preservation Committee and the Town Treasurer; or do or act anything in relation thereto.

**Proposed by:** COMMUNITY PRESERVATION COMMITTEE

**Board of Selectmen Recommendation:** At Town Meeting

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *Under the direction of the St. Mark's Building Committee said funds will be used to restore and preserve the St. Marks Bell Tower in conformance with a Preservation Restriction held by the Massachusetts Historical Commission. The goal is to preserve St. Mark's Bell Tower for many future generations of Southborough residents to enjoy. Built in 1891 on land donated by Joseph Burnett, the tower has fallen into major disrepair over the years. Issues include water penetration, unevenly faced stones, cracked mortar joints, and stone slippage. Without restoration of the tower, the historic viewscape of our town will be forever changed. Satisfying the Community Preservation Act goal to preserve and maintain historic landmarks, this project would preserve the tower and keep its historical significance. St. Mark's Church is part of the Southborough Historical Commission project to add downtown Southborough to the*

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*State and National Register of Historic Places. The tower restoration project strictly falls under historic preservation and does not contain any religious depiction. This \$300,000 request is for partial funding of total project costs of \$565,000 with remainder raised by St. Mark's.*

**ARTICLE 22:** To see if the Town will vote to amend Section 9-24 "Qualification of elected and appointed officials" of the Town Code, by deleting the text in its entirety, and replacing with the following:

"All elected and appointed officials shall be qualified by the Town Clerk within 30 days of their election except where a different period is specified in the General Laws. If an appointed official is not qualified in this period, his/her appointment shall terminate, and the appointing authority shall be so notified by the Town Clerk."

; or do or act anything in relation thereto.

**Proposed by:** BOARD OF SELECTMEN

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *Currently, elected and appointed officials have 15 days to be sworn in by the Town Clerk's office; this article will allow those officials additional time to be sworn in following their appointment or election. The current requirement of 15 days was found to be too limiting, as appointment dates often conflicted with the 4<sup>th</sup> of July holiday and summer vacations. The Board of Selectmen was having to reappoint certain positions multiple times due to the inability of individuals to be sworn in within the required timeframe.*

**ARTICLE 23:** To see if the Town will vote to adopt MGL c.90, Section 17C to allow the Board of Selectmen to reduce the statutory speed limit from 30MPH to 25MPH on any or all town-owned roadways in thickly settled or business district areas, or do or act anything in relation thereto.

**Proposed by:** BOARD OF SELECTMEN

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *This article provides the Selectmen with the authority to reduce speed limits on certain town-owned streets in the interest of public safety.*

**ARTICLE 24:** To see if the Town will vote to adopt MGL c.90, Section 18B to allow the Board of Selectmen to establish regulatory 20MPH safety zones on public streets within the Town of Southborough, or do or act anything in relation thereto.

**Proposed by:** BOARD OF SELECTMEN

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Not Support

**Summary:** *This article provides the Selectmen with the authority to establish safety zones on streets in the interest of public safety.*

**ARTICLE 25:** To see if the Town will vote to impose a .75% meals tax on the sales of restaurant meals by accepting Massachusetts General Laws, Chapter 64L, Section 2(a), or do or act anything in relation thereto.

**Proposed by:** BOARD OF SELECTMEN

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *This article will require all local restaurants to charge an additional .75% in meals tax, which will come back to the Town as unallocated revenue through State Local Aid. Most other communities in our area have adopted*

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*this local option as well. The local meals tax has been identified as an additional revenue source to help alleviate increases to residential property taxes.*

**ARTICLE 26:** To see if the Town will vote to adopt as Chapter 9, Article IX Southborough Public Accessibility Committee, Sections 9.34 through 9.35 of the Town bylaws, the following:

**Article IX Southborough Public Accessibility Committee**

**§9.34 Purpose**

Numerous laws, statutes, policies and regulations require and/or encourage access to facilities, programs and services for all members of the public. These include, but are not limited to:

- The Americans with Disabilities Act of 1990 - 42 U.S.C. ch. 126 § 12101 et seq
- Regulations promulgated by the Massachusetts Architectural Access Board (521 CMR)
- The Voting Accessibility for the Elderly and Handicapped Act of 1984 - P.L. 98-435, 42 U.S.C. §§ 1973ee-1973ee-6
- The Individuals with Disabilities Education Act – 20 U.S.C. §§ 1400 et seq.
- The Rehabilitation Act of 1973 – USC 31-41c, 29 U.S.C. § 701 et seq
- The Architectural Barriers Act - 42 U.S.C. §§ 4151 et seq.
- Massachusetts Employment Law MGL ch 151B
- Massachusetts Public Accommodation Law - MGL ch 272
- Massachusetts Equal Rights Act - MGL Ch. 93 §§ 102
- Massachusetts Constitution Article CXIV (114)
- Massachusetts Service Animals Law – MGL Ch. 272 §§ 98A

Southborough supports a coordinated approach to monitoring and increasing public accessibility and ensuring compliance with local, state and federal requirements. In addition, it is desirable to encourage property owners to consider adopting optional policies that increase accessibility. As more fully described in the remainder of this Article IX, this article establishes a committee that will be responsible for developing and implementing this coordination. It will report on status and progress to the Board of Selectmen and the Town Meeting.

**§9.34.A Establishment; Membership; Qualifications**

There shall be a Southborough Public Accessibility Committee (“SPAC”), which shall consist of five voting members appointed by the Board of Selectmen, plus the non-voting, ex-officio members identified below. Any non-voting, ex-officio member shall not count toward the calculation of a quorum for the SPAC for voting purposes.

Each voting member shall be a registered voter in the Town and shall not be a Town officer (where a “Town officer” means a Town official who serves in an elected position) or a Town employee (where a “Town employee” is any person holding a non-elected, paid position in the Town other than a volunteer who is deemed a Special Municipal employee solely for the purposes of MGL Chapter 268A).

The Board of Selectmen shall designate a Public Accessibility Coordinator (“Coordinator”), in consultation with the SPAC. The Coordinator shall be responsible for accepting and recording concerns, coordinating reviews, and such other duties as may be assigned.

The Building Commissioner and Coordinator shall be ex-officio members of the SPAC.

**§9.34.B Appointments; Terms**

Voting members shall be appointed for two-year terms. The initial appointments shall be divided between one and two-year terms, so as to establish overlapping terms.

**§9.34.C Organization**

The voting SPAC members shall select annually, from among themselves by majority vote, a Chairman and a Secretary.

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**§9.34.D Funding**

The SPAC shall have a budget, as may be approved through the Town's regular budget process, for consultants and other expenses. The SPAC shall submit its projected expenses annually as input to the Town's regular budget process. Any expenditures from the SPAC budget shall require a majority vote of the SPAC, and shall be subject to the Town's policies for such expenditures.

**§9.35 Powers and Duties**

The SPAC Powers and Duties include, but are not limited to, the following:

- To monitor and enhance the Town's compliance with all applicable laws, statutes, policies, and regulations that require (or encourage) access to facilities, programs and services for all members of the public.
- In coordination with Town officers, departments, and other government entities, to endeavor to ensure that all Town citizens have equal access to:
  - Town government offices and communications
  - Public and commercial buildings
  - Programs
  - Goods and services
  - Transportation
  - Telecommunications, including the internet
  - Recreational facilities and programs
- To review existing and proposed facilities, programs, and projects undertaken by the Town, and to notify the responsible official or entity of its comments. The SPAC may request that other Town officials, committees, departments, and/or entities provide input to these reviews.
- To undertake public outreach and advocacy for accessibility in the Town,
- To periodically, but no less than once per calendar year, report to the Board of Selectmen and the Town Meeting on its activities and findings.
- To provide a mechanism for the public and/or any Town employee to raise concerns about the accessibility of any Town facility, service or program.
- The SPAC (or its designee) shall maintain records of such concerns and their dispositions. To the extent permissible by law, the identities of persons raising such concerns shall be confidential, unless confidentiality is waived by such person.

, or act or do anything in relation thereto.

**Proposed by:** BOARD OF SELECTMEN

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *This article replaces the current ad-hoc Accessibility Compliance Committee with a standing committee. The existing committee was established to address the issues raised by the 1990 Americans with Disabilities Act, and was thought to be needed for a short time. In the time since, regulations in this area have increased and public demand for accessibility has increased. Since the need has persisted for several decades, a standing committee that is not limited to the ADA is the more appropriate construct.*

**ARTICLE 27:** To see if the Town will accept the provisions of Chapter 41, Sec. 110A of the Massachusetts General Laws "Office hours on Saturday": "Any public office in any city or town may remain closed on any or all Saturdays as may be determined from time to time, in a city by the city council, subject to the provisions of the city charter, or, in a town, by vote of the town at a special or regular town meeting, and the provisions of section nine of chapter four shall apply in the case of such closing of any such office on any Saturday to the same extent as if such Saturday were a legal holiday."

;or do or act anything in relation thereto.

**Proposed by:** TOWN CLERK

**Board of Selectmen Recommendation:** Support



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**Advisory Committee Recommendation:** Support

**Summary:** *Acceptance of this provision of the General Law would extend a voter registration deadline which occurs on a Saturday to the following Monday.*

**ARTICLE 31:** To see if the Town of Southborough will vote to approve the Southborough Noise Bylaw proposal attached to this document, as amended, or do or act anything in relation thereto.

**SOUTHBOROUGH NOISE BYLAW**

**1.1 Declaration of Policy**

Whereas excessive sound can be a serious hazard to the public health and welfare and safety and the quality of life; and whereas a substantial body of science and technology exists by which excessive sound may be substantially abated; and whereas the citizens of Southborough have a right to and should be ensured an environment free from excessive sound that may jeopardize their health or welfare or safety or degrade the quality of life; now, therefore, it is the policy of the Town of Southborough (the "Town") to prevent excessive sound which may jeopardize the health and welfare or safety of its citizens and/or degrade the quality of life.

It shall be unlawful for any person to make, continue to make, permit or cause to be made or continued, any loud, excessive, unnecessary or unusually loud noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of reasonable persons of normal sensitivities. Furthermore, it shall be unlawful for any person who has custody and control of the premises to allow or permit another person to make, continue or permit to be made or continued any loud, excessive, unnecessary or unusually loud noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of reasonable persons of normal sensitivities within the limits of the Town of Southborough.

**1.2 Definitions**

Except as may be specified herein, acoustical terminology used throughout this Bylaw is that approved as American National Standard Acoustical Terminology [ANSI S1.1-1994] by the American National Standards Institute (ANSI). The following words, phrases and terms as used in this Bylaw shall have the meanings as indicated below:

- A. BACKGROUND SOUND LEVEL shall mean the sound level associated with a given environment, being a composite of sounds from all sources excluding the alleged offensive noise, at the location and approximate time at which a comparison with the alleged offensive noise is to be made.
- B. CONSTRUCTION shall mean those activities requiring a building permit, and shall also include any site preparation, cemetery burial and caretaking operations, seismic surveys grading, assembly, erection, substantial repair, alteration, or similar action, including demolition, for or of public or private rights-of-way, structures, utilities or similar property.
- C. The abbreviation dBA shall mean the A-weighted sound pressure level expressed in decibels and referenced to 20 Micropascals. The abbreviation dBC shall mean the C-weighted sound pressure level expressed in decibels and referenced to 20 Micropascals.
- D. EMERGENCY VEHICLE: shall mean any vehicle operated in an effort to protect, provide or restore public safety, including, but not limited to, ambulances, police vehicles and fire vehicles.
- E. EMERGENCY WORK: shall mean any work performed in an effort to protect, provide or restore public safety, or work by private or public utilities when restoring utility service or any work performed for the purpose of preventing or alleviating the physical trauma or physical damage threatened or caused by an emergence – an occurrence or set of circumstances involving actual or imminent physical trauma or property damage.

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- F. ENFORCING PERSON: shall mean any police officer, building official or public health official of the Town or any other Town employee designated by the Town Manager for this purpose.
- G. IMPACT DEVICE: shall mean a construction device in which or by which a hammer, meaning a moving mass of hard solid material, is mechanically by means of a working fluid or compressed air caused to repetitively impact upon and transmit kinetic energy to a tool. The tool may be included as a part of the device, as in the case of a moil on a paving breaker or the drill steel of a jackhammer, or it may be a mass to which the impact device is temporarily connected as in the case of a pile and pile driver. Examples of impact devices are pile drivers, paving breakers, power impact hammers, impact wrenches, riveters and stud drivers.
- H. INTRUDING NOISE: shall mean the total sound level created, caused, maintained by, or originating from an alleged offensive source at a specified location while the alleged offensive source is in operation.
- I. PERSON: shall mean a person, firm, association, co-partnership, joint venture, corporation or any entity recognized by applicable law, public or private in nature.
- J. SOUND LEVEL: shall mean the instantaneous A-weighted sound pressure level, in decibels, (dBA) as measured with a sound level meter set to the "A" weighting scale, slow response. On the decibel scale a sound level increase of 10 means the sound is 10 times more intense or powerful.

Decibel levels of some common activities are listed below:

Sound Level - dB	Source
50 - 65	normal conversation
60 - 65	laughter
70	hair dryer, vacuum
<b>V      Increasing risk of hearing loss      V</b>	
80	garbage disposal
85 - 90	lawnmower
100	garbage truck
120	walk behind leaf blower
130	jet takeoff/landing
145	fireworks

- K. SOUND LEVEL METER: shall mean an instrument meeting American National Standard Institute's (ANSI) Standard S1.4-1983 for Type 1 or Type 2 sound level meters or an instrument and the associated recording and analyzing equipment, which will provide equivalent data.

### 1.3 Designated Noise Zones

The properties hereinafter described are hereby assigned to the following noise zones:

NOISE ZONE I: All properties utilized as residential uses in accordance with the Town of Southborough Zoning Bylaws and the grounds of any school, hospital or similar health care institution, house of worship or library while the same is in use, and any Cemetery or Open Space.

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NOISE ZONE II: All other property used in accordance with the Town's Zoning Bylaw.

**1.4 Exterior Noise Standards**

It shall be unlawful for any person at any location within the area of the Town to create any loud noise, or to allow the creation of any noise, on property owned, leased, occupied or otherwise controlled by such person, which causes the sound level when measured on complainant's property to exceed the greater of:

- A. The maximum allowable exterior sound level outlined in Table I; or
- B. Five dB over the background sound level.

Table 1. Maximum Allowable Exterior Sound Level		
Noise Level	Daytime level 7:00 AM to 10:00 PM	Nighttime level 10:00 PM to 7:00 AM
I	60 dBA	50 dBA
II	70 dBA	65 dBA

If the intruding noise source is continuous and cannot reasonably be discontinued or stopped for a time period whereby the background sound level can be determined, the measured sound level obtained while the source is in operation shall be compared directly to the maximum allowable exterior sound level outlined in Table I.

**1.5 Construction Noise Standards**

A. Noise associated with construction is permitted between 7:00 AM and 6:00 PM on weekdays and 9:00 AM and 5:00 PM Saturdays provided the sound level from:

- 1. Non-impact devices do not exceed 70 dBA as measured over a time interval of 1 minute with the sound meter set to slow located on any other property, but at least 50 feet from the construction activity;
- 2. Impact devices does not exceed 90 dBA as measured with a sound level meter set to slow response located on any other property, but at least 30 feet from the construction activity.

B. Between the hours of 6:00 PM and 7:00 AM on weekdays and Saturday, noise associated with construction, shall be limited by the standards of Section 1.4.

C. Construction activities shall not be allowed on Sundays or legal holidays.

**1.6 Maintenance Noise Standards**

A. Noise associated with maintenance is permitted between 7:00 AM and 6:00 PM on weekdays, 8:00 AM and 6:00 PM on Saturdays and between the hours of 9:00 AM and 6:00 PM on Sunday, provided the sound level does not exceed 70 dBA as measured with a sound level meter set to slow response on any other property, but at least 50 feet from the maintenance;

B. Between the hours of 6:00 PM and 7:00 AM on weekdays, 6:00 PM and 8:00 AM on Saturday and between the hours of 6:00 PM and 9:00 AM on Sunday or a legal holiday, noise associated with maintenance, shall be limited by the standards of Section 1.4.

**1.7 Commercial Trash Collection and Deliveries or Pick-up**

A. The operation of commercial trash compactors or collection of trash, rubbish, refuse or debris, which generates noise in excess of the criteria given in Section 1.4 at any point of public or common pass-by between the hours of 7:00 PM and 7:00 AM is prohibited.

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- B. Deliveries or pick-ups for commercial or business purposes between 10:00 PM and 6:00 AM are prohibited unless the noise level of such deliveries or pick-ups in nearby residential areas does not exceed the noise criteria listed in Section 1.4.

**1.8 Motor Vehicles or Motorcycles**

Motor vehicles or motorcycles operated on public ways in the Town of Southborough or in any place where the public has the right of access as invitees or licensees may not exceed a maximum sound level of 85 dBA. It is also in violation of the Bylaw to operate a motor vehicle or motorcycle without a sound-limiting device connected to the exhaust system. This prohibits so-called "straight pipe" exhaust systems. This section shall not include screeching sounds emitted from emergency braking. Measurement for the purposes of this Section shall be at a distance of 36 inches from the noise source.

**1.9 Special Provisions**

Noise associated with the following activities shall be exempted from the provisions of this Bylaw:

- A. Emergency work or emergency vehicles.
- B. The operation of any vehicular alarm provided it terminates within 15 minutes of the initially recorded complaint.
- C. Occasional outdoor gatherings, public dances, shows, and sporting and entertainment events provided said events are conducted pursuant to a permit or license issued by the appropriate jurisdiction relative to the staging of said events.
- D. The intermittent or occasional use, during the daytime, of homeowners' light residential outdoor equipment
- E. Snow removal performed by snow blowers, snow throwers or snow plows when appropriately outfitted with a muffler.
- F. Any activity to the extent regulation thereof has been preempted by Town, State or Federal Law or by agreement between Town, State or the Federal Government.

**1.10 Prima Facie Violations**

Any measured noise exceeding the sound level standards as specified in Sections 1.4 through 1.10 may be deemed by the enforcing person to be prima facie evidence of a violation of the provisions of this Bylaw.

**1.11 Penalties for Violations**

- A. Violations under Article 1, in the discretion of the enforcing person, may be enforced by non-criminal disposition as provided in MGL Chapter 40, Section 21D.
- B. The penalty for a violation under this Bylaw shall be \$100 for a first offense, \$250 for a second offense, \$500 for a third offense, and for each succeeding offense each day or part thereof shall constitute a separate offense.

**Proposed by:** PETER LAPINE, et al.

**Board of Selectmen Recommendation:** Not Support

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *As the population of Southborough grows, it has transitioned from a rural community to one that is more suburban. People move to Southborough to enjoy its natural beauty and peaceful environment. With increased housing density, practices of earlier times increasingly encroach upon the tranquility of Town residents, resulting in conditions characterized as being out of balance. There is an ever-growing requirement to place limits on these practices – a rebalancing - so that everyone, business owners and homeowners alike, may prosper. This article, a Noise Bylaw, seeks to harmonize the needs of Town residents with those of local business owners.*

**ARTICLE 32:** To see if the Town of Southborough will vote to pass a bylaw to reduce plastic waste

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### Section 1 Purpose and Intent

The production and use of single-use plastics such as polystyrene food packing and thin-film plastic checkout bags have significant impacts on the environment, including, but not limited to, contributing to the potential death of aquatic and land animals through ingestion and entanglement; contributing to pollution of the natural environment; creating a burden to solid waste collection and recycling facilities; clogging drainage systems; and requiring the use of millions of barrels of crude oil nationally for their manufacture. Additionally, polystyrene contains known carcinogens, and readily leaches into certain foodstuffs. Measurable levels of polystyrene are now found almost 100% of human fat samples.

The purpose of this bylaw is to preserve the Town's water, wildlife and natural resources—as well as to enhance the health of its citizens—by banning within the Town of Southborough two of the largest contributors of non-recyclable plastics to the environment—single-use polystyrene retail food packaging and single-use plastic checkout bags—while promoting the adoption of more environmentally friendly alternatives.

### Section 2 Definitions

“Polystyrene food packaging” – means any holder of food or beverage made from polystyrene, either in solid or foam (Styrofoam) form, such as cups, plates, or take-out containers, as well all other single-use plastic products made to facilitate the consumption of foods, such as straws, lids and utensils made from polystyrene or other non-compostable plastic materials.

“Checkout bag” – means a carryout bag provided by a store to a customer at the point of sale. Checkout bags shall not include bags, whether plastic or not, in which loose produce or products are placed by the consumer to deliver such items to the point of sale or checkout area of the store.

“Retail Store” – means any business facility that sells goods directly to the consumer whether for or not-for-profit, including, but not limited to, retail stores, restaurants, pharmacies, convenience and grocery stores, liquor stores, as well as seasonal and temporary businesses.

“Reusable checkout bag” – means a bag with handles that is specifically designed and manufactured for multiple reuse and is either polyester, polypropylene, cotton or other durable material, or durable plastic that is at least 4.0 mils in thickness.

“Thin-film single-use plastic bags” – are those bags typically with handles, constructed of high-density polyethylene (HDPE), low density polyethylene (LDPE), linear low density polyethylene (LLDPE), polyvinyl chloride (PVC), polyethylene terephthalate ( PET), or polypropylene (other than woven and non -woven polypropylene fabric), if said film is less than 4.0 mils in thickness

“Recyclable paper bag” – means a paper bag that is 100 percent recyclable and contains at least 40% post-consumer recycled content, and displays the words “recyclable” and “made from 40% post-consumer recycled content” in a visible manner on the outside of the bag

### Section 3 Use Regulations

(A) Polystyrene food packaging shall not be distributed, used, or sold by any retail store within the town of Southborough.

(B) Thin-film single-use plastic bags shall not be distributed, used, or sold for checkout or other purposes at any retail store within the Town of Southborough.

(C) If a retail store provides or sells checkout bags to customers, the bags must be one of the following (1) recyclable paper bags, or (2) reusable checkout bags. The retail store may charge for said bags.

(D) Thin-film plastic bags used to contain dry cleaning, newspapers, produce, meat, bulk foods, wet items and other similar merchandise, typically without handles, are still permissible.

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(E) Violation of the By-Law to Reduce Plastic Waste: First offense – written warning; 2nd offense - \$100 per offense; 3rd and subsequent offenses - \$250 per offense.

Section 4 Effective Date

This bylaw shall take effect six (6) months following Town Meeting approval of the bylaw. Upon application of the owner or the owner's representative, the Board of Selectmen or their designee may exempt a retail store from the requirements of this section for a period of up to two (2) months upon a finding by the Board of Selectmen or their designee that (1) the requirements of this section would cause undue hardship; or (2) a retail store requires additional time in order to draw down an existing inventory of straws or checkout bags.

Section 5 Enforcement

Enforcement of this bylaw shall be the responsibility of the Board of Selectmen or their designee. The Board of Selectmen or their designee shall determine the monitoring process to be followed, which may be limited to responding to citizen reports, and incorporating the monitoring process into other town duties as appropriate. Any retail store distributing plastics in violation of this bylaw shall be subject to fines as described in Section 3 (E) above. Any such fines shall be paid to the Town of Southborough. No licenses shall be renewed for any establishment with outstanding violations under this section.

Section 6 Severability

If any provision of this bylaw is declared invalid or unenforceable the other provisions shall not be affected thereby.

; or to do or act anything in relation thereto.

**Proposed by:** MICHAEL WEISHAN, ET AL.

**Board of Selectmen Recommendation:** At Town Meeting

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *This proposed bylaw would make a marked contribution to the health of both the citizens of Southborough and the overall environment by banning single-use plastic bags, Polystyrene cups, straws, utensils etc. at all retail establishments in Southborough.*

**MOTION PASSED.**

**ARTICLE 5:** To see if the Town will vote to accept the Personnel Salary Administration Plan, as specified in Chapter 31 of the Code of the Town of Southborough, entitled: PERSONNEL.

PERSONNEL BYLAW  
ENTITLED “THE SALARY ADMINISTRATION PLAN”  
[revised at March 28, 2020 Annual Town Meeting]

This bylaw establishes a Salary Administration Plan for the Town of Southborough that (i) groups position classifications in Town services, (ii) establishes salary schedules and employee benefits and (iii) establishes and authorizes the Personnel Board to administer the bylaw and to represent the interest of both the taxpayers and the Town employees.

This Salary Administration Plan applies to the positions of all officers and employees in the service of the Town, whether full-time, part-time, temporary, seasonal, special or any other, except those positions filled by popular election, under the direction and control of the School Committee, performed pursuant to a contract approved by the Town or encompassed in any officially recognized labor union and/or association. The positions covered by this Salary Administration Plan are hereby classified by titles in the groups listed in Schedule A through G (“Classification Schedule”) as set forth in Section 20 of this bylaw.

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The classification of positions subject to the Massachusetts Welfare Compensation Plan (as amended) and the scheduled rates therefor, as well as the applicable provisions of the Massachusetts General Laws relating to the application of rates set forth in the aforementioned Welfare Compensation Plan are hereby incorporated by reference.

SECTION 1. DEFINITIONS

As used in this bylaw, the following words and phrases shall have the following meanings:

“Administrative Authority” means the elected or appointed official or board having jurisdiction over a function or activity.

“Anniversary Date” means the date 180 days after (i) the first day of employment or (ii) the date of any promotion, whichever is later.

“Base Pay” means the compensation paid by the Town of Southborough for the purposes of determining retirement credits and contributions for Town employees.

The Town shall contribute funds as required for each eligible employees in accordance with the procedures and formula established by the Worcester Regional Retirement System and the bylaws of the Town of Southborough. Contributions shall include (i) wages earned during the first eight hours worked in any one day (no contributions shall be made for hours worked in excess of 40 per week,) (ii) any lump sum bonus that is guaranteed by the Salary Administration Plan or the Bylaws of the Town, (e.g., longevity pay); (iii) vacation pay, except when paid in lieu of taking vacation; (iv) sick pay; and (v) holiday pay.

“Class” means a group of positions in the Town service sufficiently similar with respect to duties and responsibilities such that for each position the same (i) descriptive title may be used, (ii) qualifications shall be required, (iii) tests of fitness may be used to choose qualified employees and (iv) scale of compensation can be equitably applied.

“Classification Schedule” means any of Schedules A, B, C, D, E, F and G of Section 20 hereof.

“Compensation Grade” means a range of salary/wage rates as may appear in the Classification Schedules.

“Continuous Full-Time Service” means employment requiring a predetermined minimum work period that is uninterrupted except for authorized leaves (e.g., vacation, sick, etc.).

“Continuous Employment” means full-time or part-time employment that is uninterrupted except for authorized leaves (e.g., vacation, sick, etc.).

“Department” means a functional unit of Town government.

“Department Head” means the person appointed and responsible to carry out the duties of a Department.

“Full-Time Employment” means employment for not less than 20 hours per week for fifty-two weeks per annum, excepting authorized holidays and leave periods.

“Group” means a group of classes as may appear in the Classification Schedules.

“Maximum Rate” means the highest compensation rate to which an Employee is entitled.

“Minimum Rate” means the lowest rate in a Range, and is normally the hiring rate of a new employee.

“On-Call Compensation” refers to additional money paid to an employee who is required to work when the need requires; oftentimes in an evening or weekend capacity.

“Part-Time Employment” means employment less than 20 hours per week.

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“Position” means an office or post of employment in the Town service with duties and responsibilities calling for the Full-Time or Part-Time Employment of one person in the performance and exercise thereof (or of more than one person sharing the same position).

“Position Class” means the same as “Class” (note that a class may include only one position, in which event it is defined as a “single position class”).

“Probationary Employee” means a first-time Town employee within his/her first six months of employment.

“Promotion” means a change from one position to another position in a higher class and/or compensation grade.

“Range” means the difference between minimum and maximum rates of an assigned grade.

“Rate” means the measure of compensation for personal services on an hourly, weekly, monthly, annual or other basis.

“Salary Administration Plan” means the Personnel Bylaw *Entitled* “The Salary Administration Plan.”

“Single Rate” means a rate for a specific position class that is not in a designated range.

## SECTION 2. POSITION TITLES

No person shall be appointed, employed or paid in any position under any title other than those of the Classification Schedule for which the duties are actually performed. The position title in the Classification Schedule shall be the official title for all purposes, including payrolls, budgeting and official reports.

## SECTION 3. NEW OR CHANGED POSITIONS

No new position shall be established, nor the duties of an existing position so changed that a new level or work demand exists, unless upon presentation of substantiating data satisfactory to the Personnel Board, the Board shall rate such new or changed position, and allocate it to its appropriate classification grade and establish the rate therefor.

## SECTION 4. RECLASSIFICATION OF EMPLOYEES

No position may be reclassified to another grade, whether higher or lower, unless the Personnel Board shall have determined such reclassification is consistent with this Salary Administration Plan.

## SECTION 5. JOB DESCRIPTIONS

The Personnel Board shall maintain written job descriptions of the position classes in the Classification Schedule, each consisting of a statement describing the essential nature of the work required of such classes. Each Department Head shall be required to retain current job descriptions and to submit any revisions to the Personnel Board (following any review by the Board of Selectmen or their designated appointee or the appropriate Commissioners or Trustees). The description for any class shall not be deemed to limit the duties or responsibilities of any position, nor to affect in any way the power of any administrative authority to appoint, to assign duties to, or to direct and control the work of any employee under the jurisdiction of such authority.

## SECTION 6. COMPENSATION

a. The bi-weekly pay period shall begin at 12:00 a.m. Thursday and shall end at 11:59 p.m. on the following second Wednesday.



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b. Non-exempt employees subject to this Salary Administration Plan shall be paid for one and one-half hours worked for any hour worked in the excess of forty in their weekly pay period, provided such extra hours were authorized by the Department Head.

c. The salary schedules set forth in Schedules A, B, C, D, E, F and G of Section 20 hereof reflect the maximum and minimum salaries for each grade.

d. The annual salary set forth in Schedule A represents a 40 hour work week and in the event an employee works less than 40 hours per week but more than 20 hours per week, the indicated annual salary is pro-rated reflective of the posted salary schedule in Schedule A.

e. Amounts paid to employees in reimbursement for expenses incurred in the performance of their duties (e.g., mileage, meals, dues, etc.) shall be paid in addition to their compensation. Reimbursement shall be based upon the actual documented expenditure made by the employee, or at rates established by the Internal Revenue Service, supported by that agency's requirements for documentation.

f. On-Call Compensation: Employees shall be eligible to earn a weekly stipend not to exceed \$200.00 per week for on-call service if the department head has required them to work outside of their normal schedule. This need is likely to occur on an evening or weekend basis as the need requires. There is no provision to accrue compensation time in lieu of payment.

#### SECTION 7. SALARY ADJUSTMENT & COMPENSATION POLICIES

a. Every employee that is in Continuous Full-Time or Part-Time service of the Town, as computed from the date of their latest employment, shall be eligible annually for consideration of a salary increase, one year from the date of his/her latest increase. Except as may be authorized by the Personnel Board in exceptional circumstances, such increase is not to exceed one increase in any single twelve-month period until the maximum of the grade is obtained, and such increase shall be subject to the recommendation of the Department Head, with the approval of the Board of Selectmen or their designated appointee in the case of departments within the jurisdiction of the Board of Selectmen, or the appropriate Commissioners or Trustees in the case of departments outside the jurisdiction of the Board of Selectmen.

Retroactive salary increases voted by the Personnel Board shall not be compensated beyond July 1 of that fiscal year, regardless of the funding mechanism.

An evaluation of the employee's performance, in a format approved by the Personnel Board, must accompany a request for an increase in the case of all employees in Full-Time Graded Positions under Schedule A. Evaluations of employees in Part-Time Hourly Graded Positions under Schedule C and Seasonal Personnel under Schedule F may require performance evaluations under Personnel Policy enacted hereunder. Upon receiving such documentation, the Personnel Board shall have final review and approval of all adjustments.

An employee may appear before the Personnel Board prior to its action on any request for an increase. Any employee denied such an increase may appeal, in writing, to the Personnel Board, which shall confer with the employee, the Department Head and the Board of Selectmen or their designated appointee, or the appropriate Commissioners or Trustees, and shall decide the matter.

b. Regular Part-Time employees shall be eligible for consideration for salary increases within their grade one year from the date of their last increase, absent exceptional circumstances as may be authorized by the Personnel Board.

c. Special and other Part-Time personnel for whose positions there is a single rate established in Schedule D shall not be eligible for adjustment.

d. Probationary Employees:

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1. During the probationary period, benefit eligible employee(s) will earn vacation, sick and personal time in accordance with Section 11(b-d) hereof.
2. During the probationary period, paid leave accruals shall be based on the original hire date.

#### SECTION 8. TRANSFERS AND PROMOTIONS

a. An employee who is promoted to a job with a higher range or rate of pay shall enter it at the rate recommended by the Department Head with the approval of the Personnel Board. The employee may also receive at the time an increase, provided the maximum for the job is not exceeded, if the Department Head recommends that qualifications and performance warrant it and the Personnel Board approves. If the Department Head recommends that there should be a probationary period before the promotional increase [not to exceed the percentage increase voted for that fiscal year], then the Personnel Board may approve such a deferred promotional increase at the conclusion of the probationary period (which shall not exceed six months).

b. An employee transferred to a job with a lower range or rate of pay shall enter it at the rate paid for the previous position or at the maximum rate for the job, whichever is the lower, provided the Personnel Board approves. The employee shall have a right to appeal this decision, in writing, to the Personnel Board, which shall confer with the employee, the Department Head and the Board of Selectmen or their designated appointee, or the appropriate Commissioners or Trustees, and shall decide the matter.

#### SECTION 9. NEW PERSONNEL HIRING; DEPARTURES

a. Pre-employment physical examinations will be required of newly-hired employees consistent with the Town's policies.

b. Probationary period: For new hires, the first six months of employment shall be a probationary period. The probationary period does not apply to Town employees who change positions within the Town. The probationary period is a time during which an employee will be evaluated to ensure that the employee has the requisite knowledge, skills, and abilities to perform the position (with or without reasonable accommodations). Completing the probationary period does not change the employee's relationship with the Town, which will remain one in which either the employee or the Town may terminate the relationship at will.

c. A new employee's hiring rate shall be the minimum of the rate range of the job, unless otherwise authorized by the Personnel Board or Personnel Director. The Personnel Board is cognizant of the need to make timely decisions during the recruitment process, therefore, the Personnel Director is empowered to set starting salaries for new employees with comparable experience at a rate not exceeding the mid-point of the pay scale set forth in Schedules A and C of the Salary Administration Plan.

d. The Personnel Director or his/her delegatee shall notify the Personnel Board in writing of the hiring of all personnel and their hiring rates. The Personnel Director or his/her delegatee shall also notify the Personnel Board in writing of the departure of any employee.

#### SECTION 10. DEPARTMENT BUDGETS

Each Department Head shall include in the annual departmental budget a pay adjustment section to provide funds for anticipated pay adjustments, with expenditures to be made only in accordance with this Salary Administration Plan and with the approval of the Personnel Board. Degree bonus [Sec 11i(1)] funds shall also be budgeted in the departmental budget.

#### SECTION 11. EMPLOYEE BENEFITS

Employee benefits are a cost to the Town and a form of "indirect pay" to employees. The benefits listed below are not intended to supersede what State or Federal law may otherwise require.

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All forms of paid leave set forth in the SAP may represent a 40 hour work week; in the event an employee works less than 40 hours per week but more than 20 hours per week, the indicated benefit shall be pro-rated reflective of the approved hours per week for that position.

a. Holidays with Pay

Each eligible Employee shall receive one day's pay at their regular rate for the following:

New Year's Day	Labor Day
Martin Luther King Day	Columbus Day
Presidents' Day	Veteran's Day
Patriot's Day	Thanksgiving Day
Memorial Day	Day after Thanksgiving Day
Independence Day	Christmas Day
	Day before <u>or</u> after Christmas Day (as set by the Town annually)

To be eligible for holiday pay, an Employee must work (or be duly excused from working) their regular scheduled days preceding and following the holiday. Employees who do not work 20 hours or more per week on a regular basis shall not be compensated for holidays.

Employees whose regular day off falls on a holiday may have one day off with pay within the ensuing thirty days in lieu of holiday pay, with the specific choice of day subject to Department Head approval. Furthermore, the day granted in lieu of holiday pay shall not cross fiscal years.

All administrative policies and practices relative to holidays with pay shall be prepared and established under the direction of the Personnel Board.

b. Vacations with Pay

- (1) Regular Full-Time Employees who have been in the continuous employ of the Town shall earn paid vacation in accordance with the following schedule:

Years of Employment	Hours Earned per month
0-5	6.666
6-10	10.0
11-15	13.333
16 or more	16.666

Employees hired prior to July 1, 2005, shall be eligible to earn twenty hours per month after serving twenty years of full time employment with the Town.

(2) At the recommendation of the hiring authority and upon the approval of the Personnel Board, new employees entering into a position with the Town of Southborough from a similar position in another municipality or similar government agency will be allowed to enter into the vacation schedule using their years of service from their prior employment, up to a maximum of three weeks' vacation [pro-rated] for the first year of employment with the Town. Employees commencing employment with three weeks per year will be required to complete five years of service before ascending to the next band in the vacation schedule chart.

(3) Vacation shall be granted by Department Heads at their discretion subject to the regular work needs of the Department. An employee shall be permitted to carry over to the following year one year's worth of earned vacation. The employee must have the Department Head's approval to take any portion of a prior year's unused vacation in addition to the days earned in the current fiscal year.

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(4) If in the opinion of the Department Head there are unusual work-related circumstances that warrant it, a department head may seek approval from the Town Administrator or his/her delegatee to allow the employee to continue to work and receive vacation pay in lieu of taking vacation. Approval granted in this section may not exceed ten days per fiscal year.

(5) In the event of termination of employment other than for cause, the employee shall be paid, or be entitled to time off with pay, for any accumulated vacation time. Personal and sick leave shall not be compensated at termination.

(6) Vacation administrative policies and practices shall be prepared and established under the direction of the Personnel Board.

c. Sick Leave

(1) All regular Full-Time Employees shall be entitled to accrue 10 sick hours per month, equaling 120 hours annually (15 sick days); employees working less than 40 hours in a weekly pay period will accrue ratably based on hours worked per week. Pay for each day of sick leave shall be at the regular rate. Absences on account of sickness in excess of that authorized shall be charged to vacation or other available paid leave. Sick leave shall be payable only in cases of genuine illness, non-work connected accident, or work connected accidents not covered by Massachusetts General Laws Chapter 152 (Workers' Compensation).

(2) Unused sick leave may be accumulated without limitation for employees hired before July 1, 2007. Employees of the Town of Southborough hired on or after July 1, 2007 may only accrue 120 sick days at any one time. At retirement [or death] only, the Town will pay the employee twenty percent (20%) of the employee's then-accumulated sick leave.

(3) Employees who because of genuine illness or a non-work connected accident are absent for a period of more than three days shall be required to present a doctor's certificate to their Department Head before returning to work stating the reason, the period of time the employee was absent and whether there are any physical restrictions or required outpatient services the employee must adhere to in the workplace.

(4) Annually, an employee may use up to seven of the allowed fifteen days of sick leave for the care of a sick family member.

(5) Sick leave administrative policies and practices shall be prepared and established under the direction of the Personnel Board.

d. Personal Days

Each employee shall be entitled to three personal days per year, to be granted annually on the anniversary of the employee's date of hire. New employees shall be granted three personal days which shall be pro-rated based on hours worked per pay period. Requests for personal days shall be approved by the Department Head. Personal days shall not accumulate from year to year.

e. Military Leave

(1) Reserve Duty: An employee in full-time employment in the military reserve shall be paid the difference between compensation received while on reserve duty and regular compensation rates paid the employee by the Town. Such payment by the Town shall be limited to a period not to exceed two weeks in any twelve-month period.

(2) Active Duty: Pursuant to Article 8 of the April 11, 2005 Annual Town Meeting, an employee in the federal military reserve or a state National Guard who is called to active service shall be entitled to their regular base salary and shall not lose any seniority or paid leave benefits while on military

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leave; *provided*, however, that such base pay shall be reduced by any amount received from the United States as pay or allowance for military service performed.

f. Jury Duty

Any employee who is called to jury duty shall be paid the difference between their normal compensation and the amount (excluding any travel allowance) received from the court, upon presentation of evidence of the amount paid by the court.

g. Miscellaneous Paid Time Off

Working time lost from regularly scheduled work days for reasons listed below shall be without loss of pay, provided such lost time is authorized by the Department Head:

(1) Bereavement leave – In the event of the death of a spouse, father, mother, child, father-in-law, mother-in-law, brother, sister, grandparent, or of any other person then residing with the employee, such employee shall be entitled to receive three days' leave for the purpose of the funeral and services of the deceased. If out-of-state travel is required, the Town Administrator or his/her delegatee may authorize up to two additional days of travel time.

(2) Medical examination or inoculation required by the Town.

(3) Blood donation authorized by the Department Head.

(4) Attendance at professional and educational programs authorized by the Department Head.

h. Court Time Pay

If the Town requires that an employee appear in Court as a witness or in any other capacity arising from the performance of the employee's duty, or on behalf of the Commonwealth or the Town in any civil or criminal case pending in any Court or other official governmental board or agency, then for any such appearance that is made outside of the employee's normal working hours the employee shall be entitled to overtime compensation for every hour or fraction thereof during which they appear (but in no event less than three hours of such overtime pay).

i. Employee Educational Support/Professional Development

(1) Degree Bonus: All Part-Time and Full-Time employees who, while an employee of the Town, earns a degree in a field applicable to their position from an accredited college or university, shall receive a one-time bonus subject to appropriation, according to the following schedule:

Associates Degree....\$ 800.00  
Bachelors Degree...\$1,200.00  
Masters Degree.....\$1,500.00

A copy of the completed transcript, diploma or other appropriate evidence of the completed degree must be presented to the Department Head and the Personnel Board, and shall be submitted as documentation for accounts payable.

(2) Tuition reimbursement: the Town may offer tuition reimbursement to eligible Full-Time and Part-Time employees as prescribed by Personnel Board policy enacted under this Bylaw.

j. Group Medical Insurance

Starting July 1, 2009, the Town will contribute fifty percent (50%) of the cost of a medical indemnity plan or seventy-five percent [75%] of the cost of a Health Maintenance Organization plan.

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SECTION 12. UNPAID LEAVES OF ABSENCE

- a. A leave of absence without compensation may be granted by the Personnel Board.
- b. Leaves of absence of over three months' duration (except Military Leave) shall be deemed a break in employment, and on return to work the employee shall have the status of a new employee unless an extension of leave beyond three months was authorized by the Personnel Board.

SECTION 13. TRANSITIONS BETWEEN FULL-TIME AND PART-TIME STATUS

- a. A Part-Time employee shall be eligible for Full-Time status when the employee has worked 20 hours or more per week for a period of at least three consecutive months, subject to approval by the Department Head.
- b. A Full-Time employee whose hours of employment total less than 20 hours per week for a period of more than three consecutive months shall thereafter be deemed a Part-Time employee.

SECTION 14. APPOINTMENT OF "ACTING" DEPARTMENT HEADS

- a. In the absence or retirement of a Department Head for three consecutive weeks, the Board of Selectmen or appropriate board or commission may appoint an "Acting" Department Head to serve for a period of not more than three months. Such three-month period may be extended for up to three additional three-month periods, upon the approval of the Board of Selectmen or other appropriate board or commission for each such extension. In no case shall an appointment of an "Acting" Department Head exceed one year.
- b. Duly appointed "Acting" employees shall be compensated at an additional 10% per week, payable retroactively only upon the conclusion of three consecutive weeks of service by the "Acting" employee. Such employees shall still be eligible for overtime pay when fulfilling regular duties from the previous job beyond normal working hours.

SECTION 15. PERSONNEL BOARD

- a. There shall be a Personnel Board to administer the Salary Administration Plan. Said Board is to be appointed by the Town Moderator. The Board shall consist of five voters other than employees of the Town or those regularly serving the Town in any elective capacity. They shall serve without compensation. For purposes of this section, Election Workers and Wardens shall not be considered "employees of the Town."
- b. Other than as may be needed to fill unexpected vacancies, appointments shall be for three years. The Moderator shall fill any vacancies. The Personnel Board may employ assistance and incur expenses as it deems necessary, subject to appropriation of funds therefor.

SECTION 16. DUTIES OF THE PERSONNEL BOARD

- a. The Personnel Board shall administer the Salary Administration Plan and shall establish such policies, procedures and regulations as it deems necessary for the administration of the Plan.
- b. The Town Administrator serves as the Town's Personnel Director under the Town Administrator Bylaw [Ch. 27, Art. IX]. As such, the Personnel Director is invested with personnel authority and responsibilities as set forth therein. From time to time, and as may be necessary, the Personnel Board will consult and/or act in concert with the Personnel Director or his/her delegatee on matters of joint responsibility and concern.
- c. The Board shall meet annually in July and organize by the choice of a Chair and Clerk. The Board shall meet at least monthly, except when there is no business before the Board. A majority of the Board shall

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constitute a quorum for the transaction of business. The votes of the majority of all the members of the Board shall be necessary on any matter upon which it is authorized to or required to pass under the Salary Administration Plan.

d. The Personnel Board shall maintain records of all employees subject to this Plan as it deems desirable, including personnel evaluations. Such records are to be kept by the Personnel Director or his/her delegatee, under the direction of the Personnel Board. Department Heads shall furnish such information as requested by the Board.

e. The Personnel Board shall from time to time, but no less often than every federal Election Year, review the Classification Schedule, Salary Schedules, and administration policies of the Salary Administration Plan. It shall keep informed as to pay rates and policies outside the Town, and shall recommend to the Town any action that the Board deems desirable in that regard. The Personnel Board may tentatively add a new class to the Classification Schedule or reallocate an existing class to a different compensation grade, either higher or lower, subject to the subsequent ratification of its action by formal amendment of the Salary Administration Plan at the next Annual Town Meeting.

f. Not later than six (6) months prior to Annual Town Meeting, the Personnel Board may vote an annual adjustment (but shall reserve the right to vote no adjustment) to the Classification Schedule and establish the effective rate for employees of each grade for the next fiscal year, subject to the subsequent ratification of its action by formal amendment of the Salary Administration Plan at the next Annual Town Meeting. The Personnel Board shall base any annual adjustments upon available relevant information. Approval of the rate for any given employee is not guaranteed and is driven by the annual performance evaluation.

g. Matters of concern by SAP employees that are communicated in writing to the Chair of the Personnel Board will be scheduled on an agenda at the next available meeting providing all necessary and requested information has been submitted in time to be part of the meeting packet. In addition, notice in writing shall be forwarded to the concerned employee and respective Department Head within seven days of the Board's decision. Notwithstanding the foregoing, if the Personnel Board shall so request and the concerned employee and Department Head shall agree, a reasonable extension of these time periods may be granted.

h. Upon recommendation of a Department Head, supported by evidence in writing of special reasons and exceptional circumstances satisfactory to the Personnel Board, the Board may authorize variances in the Salary Administration Plan as it may deem necessary for the proper functioning of the services of the Town, and to effectuate the basic intent of the Plan.

#### SECTION 17. EMPLOYEES AND THE PERSONNEL BOARD

a. All employees covered by this Salary Administration Plan shall have the right to request an appointment to confer with the Personnel Board on any matter of interest or concern to them that is covered by the Salary Administration Plan. The employee shall notify the Department Head in writing in advance of the desire to discuss the matter with the Board. One of the duties of the Board shall be to foster mutual understanding and good will with the personnel of the Town.

b. To facilitate this, if any employee should feel aggrieved by the operation of any provision of the Plan, the employee shall first discuss the matter with the Department Head, in a mutual effort to clear up any problems or misunderstanding.

c. If two weeks after such a conference a satisfactory understanding and solution of the problem has not been reached, then either the Department Head or the employee may take the matter to the Personnel Board, and the Board shall hear the parties not later than at its next regular meeting. There shall be no discrimination or prejudice by a Department Head against any employee who may take a matter to the Board.

#### SECTION 18. AMENDMENT OF THE PLAN

The Salary Administration Plan may be amended in the same manner that Town Bylaws may be amended. However, no amendment to the Plan shall be made until it has been presented by a signed petition to, and acted upon

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by, the Personnel Board. Upon receipt of such a written petition, the Board, after giving the petitioner(s), the Department Head(s) and the affected employee(s) at least two weeks' written notice, shall hold a hearing to consider the proposed amendment. If the Personnel Board approves of any proposed amendment, it shall bring it before the next available Special or Annual Town Meeting for its consideration. If the Personnel Board disapproves any proposed amendment or shall fail to act thereof within fifteen days after the hearing (which failure shall be deemed disapproval), the petitioner(s) may the present the petition to the next available Town Meeting for its consideration. The Board of its own motion, after a similar hearing and/or conference with parties interested, may propose an amendment to the Plan.

SECTION 19. SEVERABILITY PROVISION

In the event that any provision of this bylaw, or application thereof, shall be held to be invalid by the proper authorities, this shall not be construed to affect the validity of any other provision, or application thereof, of this bylaw.



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SECTION 20: CLASSIFICATION SCHEDULE

SCHEDULE A: FULL-TIME SALARY GRADED POSITIONS

<b>POSITION TITLE</b>	<b>PAY GRADE</b>
<b>DEPARTMENT HEADS &amp; MANAGEMENT STAFF</b>	
Superintendent of Public Works*	9
Finance Director/Treasurer-Collector*	
Assistant Town Administrator	8
Director of Facilities	
Library Director	
Building Commissioner	
IT Manager	
Police Lieutenant	
Town Accountant*	
Director, Council on Aging	
Principal Assessor*	
Conservation Agent	7
Director, Youth & Family Services	
Director of Recreation	
Town Planner	
<b>SUPERVISORS &amp; TECHNICAL STAFF</b>	
Assistant Town Clerk	6
Assistant Director, Youth & Family Services	
Outreach Coordinator	
Assistant Library Director	
Police Business Administrator	
Program Manager, COA	
Business Administrator II	5
Children's Librarian	
Staff Engineer	
Executive Assistant to the Board of Selectmen	
Program Coordinator	
Deputy Assessor	
Business Administrator I	4
Maintenance Technician	
Assistant Treasurer/Collector	
Assistant Town Accountant	

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<b>ADMINISTRATIVE &amp; SUPPORT STAFF</b>	
Administrative Assistant	3
Administrative Assistant II	
Senior Library Assistant	
Library Assistant	2
Maintenance Mechanic	
Maintenance Custodian	1

\*when not under contract

Rates for Full-Time Positions

Grade	Minimum		Midpoint		Maximum	
	Annual	Hourly	Annual	Hourly	Annual	Hourly
1	\$38,504	\$18.51	\$44,307	\$21.30	\$50,111	\$24.09
2	\$41,392	\$19.90	\$47,601	\$22.89	\$53,810	\$25.87
3	\$44,496	\$21.39	\$51,171	\$24.60	\$57,846	\$27.81
4	\$49,505	\$23.80	\$58,169	\$27.97	\$66,833	\$32.13
5	\$53,219	\$25.59	\$62,531	\$30.06	\$71,844	\$34.54
6	\$57,210	\$27.50	\$67,221	\$32.32	\$77,233	\$37.13
7	\$68,757	\$33.06	\$82,509	\$39.67	\$96,260	\$46.28
8	\$80,790	\$38.84	\$96,948	\$46.61	\$113,106	\$54.38
9	\$94,927	\$45.64	\$113,913	\$54.77	\$132,899	\$63.89

SCHEDULE B: [RESERVED FOR FUTURE USE]

SCHEDULE C: PART-TIME HOURLY GRADED POSITIONS

Election Worker .....	1
Library Page .....	1
Election Warden .....	2
Seasonal Laborer.....	2
Custodian .....	2
Library Technician .....	2
Library Associate .....	3
Administrative Assistant.....	3
Police Dispatcher .....	3
Technical Specialist .....	4
Business Assistant .....	4
Economic Development Coordinator .....	4
Electrician.....	5
Nurse .....	5
Public Health Director .....	5

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Rates for Part-Time Positions

Grade	Minimum		Maximum	
	Hourly	Annual*	Hourly	Annual*
1	\$11.23	\$23,360	\$14.29	\$29,732
2	\$12.25	\$25,484	\$17.36	\$36,103
3	\$18.38	\$38,226	\$25.53	\$53,092
4	\$22.46	\$46,721	\$31.65	\$65,834
5	\$28.59	\$59,463	\$42.88	\$89,195

*\*This represents the annualized rate if a Part-Time employee worked a 40 hour week; however, under this Bylaw, Part-Time employees work 20 hours or less per week.*

*Municipalities are subject to the federal minimum wage law, not the state law.*

SCHEDULE D: FIRE DEPT POSITIONS (not covered by Collective Bargaining Agreement)

<u>Grade</u>	<u>Proposed Pay Structure</u>	<u>Drills</u>	<u>Boxes</u>	<u>Signal 55</u>
1	Firefighter (Entry Level)	0.00	0.00	0.00
2	Firefighter I Certified	18.00	16.00	16.00
3	Firefighter I/II Certified	19.00	17.00	17.00
4	Firefighter I Certified/Operator	20.00	18.00	18.00
5	Firefighter I/II Certified/Operator	21.00	19.00	19.00
6	EMT (Entry Level)	0.00	0.00	0.00
7	EMT	18.00	16.00	16.00
8	EMT-I	20.00	18.00	18.00
9	Firefighter I Certified/EMT	20.00	18.00	18.00
10	Firefighter I/II Certified/EMT	21.00	19.00	19.00
11	Firefighter I Certified/Operator/EMT	22.00	20.00	20.00
12	Firefighter I/II Certified/Operator/EMT	23.00	21.00	21.00
13	Lieutenant	24.00	22.00	22.00
14	Lieutenant/EMT	26.00	24.00	24.00

Details. On any occasion that the Fire Chief determines that public safety is at risk (fire watches, pyrotechnic displays, pyrotechnic blasting for construction, etc.) and calls for a detail consisting of a Firefighter or Firefighters [not covered by any other collective bargaining agreement] to stand-by during any of these situations to monitor for fire, explosion, or any other possible hazard, the person or persons assigned to the detail will be compensated in the following manner:  
\$50.00 per hour  
\$56.00 per hour/ for week-end or holiday

SCHEDULE E: MISCELLANEOUS ANNUAL COMPENSATION SCHEDULE

Cemetery Agent.....	\$8,000
Clerk, Board of Registrars .....	\$1,638.33
Emergency Management Coordinator .....	\$2,000
Energy Management Stipend.....	\$6,000
Registrar of Voters.....	\$205.66

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Town Counsel (not including fees).....	\$1,704.33
Tree Warden .....	\$4,000
Veterans' Agent and Director of Veterans' Services.....	\$15,000

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SCHEDULE F: FEE BASED COMPENSATION (Recreation Seasonal Personnel)

Assistant Instructor .....	3
Camp Counselor 1 .....	1
Camp Counselor 2 .....	2
Lifeguard .....	5
Coordinator.....	6
Instructor I. ....	6
Monitors .....	6
Program Driver.....	6
Assistant Supervisor .....	9
Supervisor.....	11
Instructor II .....	12
Master Instructor .....	13
Seasonal Nurse .....	13

Hourly Rates for Recreation Seasonal Personnel

Grade	Minimum	Midpoint	Maximum
1	Min wage*	Midpoint	\$10.00
2	\$8.34	\$10.35	\$12.35
3	\$8.84	\$10.91	\$12.98
4	\$9.26	\$11.52	\$13.78
5	\$9.71	\$12.10	\$14.49
6	\$10.25	\$12.74	\$15.22
7	\$10.73	\$13.34	\$15.95
8	\$11.26	\$14.02	\$16.77
9	\$11.82	\$14.72	\$17.62
10	\$12.54	\$15.60	\$18.66
11	\$13.87	\$19.44	\$25.00
12	\$21.00	\$27.50	\$34.00
13	\$29.00	\$35.00	\$41.00

*\*Municipalities are subject to the federal minimum wage law, not the state law.*

SCHEDULE G: SPECIAL ADMINISTRATIVE AND SUPERVISORY POSITIONS

Police Lieutenant:

In addition to all the benefits provided employees under the SAP, he/she would be eligible for some additional benefits as provided members of Mass COP Local 167, the police union collective bargaining agreement.

As a result, a separate policy is adopted by the Southborough Board of Selectmen and enforced by the Southborough Police Department subject to change in conjunction with future collective bargaining agreements.

*\*Increases in salary for long term employees will be considered case by case by Personnel Board.*

SCHEDULE H: LONGEVITY SCHEDULE: Full-Time Employees of Town of Southborough – Compensated annually at Anniversary Date

After 5 years .....	\$400
After 10 years .....	\$600
After 15 years .....	\$700
After 20 years .....	\$850
After 25 years .....	\$1,000

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After 30 years ..... \$1,200  
After 40 years ..... \$1,500

, or do or act anything in relation thereto.

**Proposed by: PERSONNEL BOARD**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *The Personnel By-Law governs policies and pay structures for non-union employees.*

**MOTION MADE:** That the Town vote to approve Article 5 as printed on the warrant.

**MOTION PASSED.**

**ARTICLE 6:** To see if the Town will vote to rescind the authorized, but unissued debt of the Town originally appropriated for acquiring real estate from St. Mark's School of Southborough, Inc., and for the construction costs for a public safety facility, approved by a vote of Town Meeting under Article 1 on March 8, 2017, which borrowing authority is no longer required for the purposes for which it was originally approved; or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *The Public Safety Building Committee completed the new Public Safety Facility, nearly on time and well under budget. As a result of their efforts, the total cost of the project, including land purchase, has been reduced from the original appropriation. As those funds have not been permanently borrowed yet, and are not needed to complete the project, the Town is seeking approval to rescind a portion of the borrowing authority approved by Town Meeting under Article 1 on March 8, 2017.*

**MOTION MADE:** That the Town votes to rescind the amount of \$3,000,000 which represents authorized but unissued debt of the Town originally appropriated for acquiring real estate from St. Mark's School of Southborough, Inc. and the construction of a public safety facility, approved by a vote of Town Meeting under Article 1 on March 8, 2017, which borrowing authority is no longer required for the purposes for which it was originally approved.

**MOTION PASSED.**

**ARTICLE 7:** To see if the Town will vote to raise a sum of money as may be necessary for the Town's use for Fiscal Year 2021, and make appropriations of the same, as detailed following, or do or act anything in relation thereto.

**MOTION MADE:** That the Town vote to raise a sum of money not to exceed the sum of **\$53,974,799** as may be necessary for the Town's use, and make appropriations of the same.

Transfer from the Cemetery Perpetual care	\$ 25,000
Transfer from Free Cash	1,878,069
Transfer from Overlay Reserve	262,954
Transfer from Fay PS Donation Account	14,670
Transfer from Ambulance Fund, Receipts Reserved (Fund 23)	408,250
Transfer from Septic Betterment Fund	52,547
Transfer from Reserve SBAB Fund Balance	5,970
Transfer from Water Enterprise Fund	160,847
Transfer from Fund 2261 "911 Revolving"	40,000

AND that the Balance of **\$51,126,492** be raised and appropriated.

**MOTION PASSED. +-+**

**Budgets as voted are listed on the following pages.**

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The following budgets were initially held but not changed:

122 BOARD OF SELECTMEN

135 TOWN ACCOUNTANT

141 ASSESSORS

145 TREASURER/COLLECTOR

152 PERSONNEL BOARD

171 CONSERVATION COMMISSION

182 ECONOMIC DEVELOPMENT COMMITTEE

542 YOUTH COMMISSION

930 BUDGET CAPITAL

**MOTION MADE:** That the town vote to reduce budget 159 by \$ 55,728 to a new total of \$400,000

**MOTION PASSED.**

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**100-199 GENERAL GOVERNMENT**

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>114 MODERATOR</b>						
51000-51990 Personal Services	50	50	50	50	50	
52000-58990 Other Charges and Expenses	25	0	25	25	25	
MODERATOR TOTAL	75	50	75	75	75	0.00%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>121 ELECTED BOARD OF SELECTMEN</b>						
51000-51990 Personal Services	3,800	3,800	4,000	4,000	4,000	
ELECTED BOARD OF SELECTMEN TOTAL	3,800	3,800	4,000	4,000	4,000	0.00%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>122 BOARD OF SELECTMEN</b>						
51000-51990 Personal Services	370,070	381,878	390,087	393,802	393,802	
52000-58990 Other Charges and Expenses	62,432	74,567	50,268	58,488	58,488	
BOARD OF SELECTMEN TOTAL	432,502	456,445	440,355	452,290	452,290	2.71%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>131 ADVISORY COMMITTEE</b>						
52000-58990 Other Charges and Expenses	341	180	2,500	2,500	2,500	
ADVISORY COMMITTEE TOTAL	341	180	2,500	2,500	2,500	0.00%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>132 RESERVE FUND</b>						
52000-58990 Other Charges and Expenses	150,000	152,853	180,000	180,000	180,000	
RESERVE FUND TOTAL	150,000	152,853	180,000	180,000	180,000	0.00%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>135 TOWN ACCOUNTANT</b>						
51000-51990 Personal Services	128,230	143,345	157,963	168,755	168,755	
52000-58990 Other Charges and Expenses	2,439	3,473	2,265	1,880	1,880	
TOWN ACCOUNTANT TOTAL	130,669	146,818	160,228	170,635	170,635	6.50%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>136 AUDIT</b>						
52000-58990 Other Charges and Expenses	32,500	26,000	34,450	28,010	28,010	
AUDIT TOTAL	32,500	26,000	34,450	28,010	28,010	-18.69%



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BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>140 ELECTED BOARD OF ASSESSORS</b>						
51000-51990 Personal Services	2,250	2,250	2,250	2,250	2,250	
ELECTED BOARD OF ASSESSORS TOTAL	2,250	2,250	2,250	2,250	2,250	0.00%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>141 ASSESSORS</b>						
51000-51990 Personal Services	167,235	171,757	177,243	180,764	180,764	
52000-58990 Other Charges and Expenses	31,165	33,273	34,045	55,045	55,045	
ASSESSORS TOTAL	198,400	205,030	211,288	235,809	235,809	11.61%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS RECOMM*	Percent Inc./Decr.
<b>145 TREASURER/COLLECTOR</b>						
51000-51990 Personal Services	198,938	204,732	214,439	220,702	220,702	
52000-58990 Other Charges and Expenses	10,302	12,152	10,375	8,894	8,894	
TREASURER/COLLECTOR TOTAL	209,240	216,884	224,814	229,596	229,596	2.13%
<i>* Advisory Committee recommends reducing Personal Services by \$23,180</i>						

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>151 LEGAL</b>						
52000-58990 Other Charges and Expenses	94,158	100,000	95,000	95,000	95,000	
LEGAL TOTAL	94,158	100,000	95,000	95,000	95,000	0.00%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>152 PERSONNEL BOARD</b>						
51000-51990 Personal Services	2,000	1,369	5,000	5,000	5,000	
52000-58990 Other Charges and Expenses	21,160	7,397	11,435	16,700	16,700	
PERSONNEL BOARD TOTAL	23,160	8,766	16,435	21,700	21,700	32.04%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>153 SPECIAL LEGAL COUNSEL</b>						
52000-58990 Other Charges and Expenses	89,492	54,688	50,000	50,000	50,000	
SPECIAL LEGAL COUNSEL TOTAL	89,492	54,688	50,000	50,000	50,000	0.00%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>154 MUNICIPAL TECHNOLOGY COMMITTEE</b>						
52000-58990 Other Charges and Expenses	045	0	1,000	1,000	1,000	
MUNI. TECHNOLOGY COMMITTEE TOTAL	0	0	1,000	1,000	1,000	0.00%

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BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>155 TECHNOLOGY</b>						
51000-51990 Personal Services	94,195	96,446	99,615	128,745	128,745	
52000-58990 Other Charges and Expenses	185,364	214,351	210,239	220,474	220,474	
MANAGEMENT INFORMATION SYSTEMS TOTAL	279,559	310,797	309,854	349,219	349,219	12.70%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>159 OTHER OPERATION SUPPORT</b>						
52000-58990 Other Charges and Expenses	332,818	352,868	359,895	455,728	455,728	
OTHER OPERATION SUPPORT TOTAL	332,818	352,868	359,895	455,728	455,728	26.63%
<i>Reduced by motion from \$455,728 to \$400,000.</i>				<i>Approved budget \$400,000</i>		

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>160 ELECTED TOWN CLERK</b>						
51000-51990 Personal Services	66,674	83,064	85,141	87,695	87,695	
TOWN CLERK TOTAL	66,674	83,064	85,141	87,695	87,695	3.00%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>161 TOWN CLERK</b>						
51000-51990 Personal Services	117,342	124,516	125,247	131,246	131,246	
52000-58990 Other Charges and Expenses	95,695	83,269	66,479	48,267	48,267	
TOWN CLERK TOTAL	213,037	207,785	191,726	179,513	179,513	-6.37%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>171 CONSERVATION COMMISSION</b>						
51000-51990 Personal Services	56,395	55,115	68,866	70,252	70,252	
52000-58990 Other Charges and Expenses	9,639	13,886	21,125	31,235	31,235	
CONSERVATION COMMISSION TOTAL	66,034	69,001	89,991	101,487	101,487	12.77%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>175 PLANNING BOARD</b>						
51000-51990 Personal Services	113,316	109,691	135,546	143,668	143,668	
52000-58990 Other Charges and Expenses	29,556	41,236	23,060	27,720	27,720	
PLANNING BOARD TOTAL	142,872	150,927	158,606	171,388	171,388	8.06%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>176 ZONING BOARD OF APPEALS</b>						
51000-51990 Personal Services	44,834	27,426	25,550	22,854	22,854	
52000-58990 Other Charges and Expenses	454	5,601	3,400	3,200	3,200	
ZONING BOARD OF APPEALS TOTAL	45,292	33,027	28,950	26,054	26,054	-10.00%

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BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>177 OPEN SPACE</b>						
52000-58990 Other Charges and Expenses	1,500	1,500	2,000	2,000	2,000	
OPEN SPACE TOTAL	1,500	1,500	2,000	2,000	2,000	0.00%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS RECOMM*	Percent Inc./Decr.
<b>182 ECONOMIC DEVELOPMENT COMMITTEE</b>						
51000-51990 Personal Services	8,540	24,712	27,885	26,563	26,563	
52000-58990 Other Charges and Expenses	19,755	9,263	10,850	14,900	14,900	
ECONOMIC DEVELOPMENT COMMITTEE TOTAL	28,295	33,975	38,735	41,463	41,463	7.04%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>192 PUBLIC BUILDINGS AND PROPERTIES MAINTENANCE</b>						
51000-51990 Personal Services	347,726	311,905	348,212	367,668	367,668	
52000-58990 Other Charges and Expenses	166,245	222,279	170,179	180,246	180,246	
PUBLIC BLDGS. & PROPERTY MAINT. TOTAL	513,971	534,184	518,391	547,914	547,914	5.70%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>193 PUBLIC ACCESSIBILITY COMMITTEE</b>						
51000-51990 Personal Services	0	0	0	0	0	
52000-58990 Other Charges and Expenses	0	0	0	5,000	2,500	
PUBLIC BLDGS. & PROPERTY MAINT. TOTAL	0	0	0	5,000	2,500	100.00%

**200-299 PUBLIC SAFETY**

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>210 POLICE DEPARTMENT</b>						
51000-51990 Personal Services	1,816,508	1,912,130	2,055,082	2,183,710	2,183,710	
52000-58990 Other Charges and Expenses	119,274	134,101	129,980	130,400	130,400	
POLICE DEPARTMENT TOTAL	1,935,782	2,046,231	2,185,062	2,314,110	2,314,110	5.91%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>220 FIRE DEPARTMENT</b>						
51000-51990 Personal Services	1,905,704	1,941,336	2,020,937	2,093,259	2,093,259	
52000-58990 Other Charges and Expenses	187,857	210,404	187,176	213,650	213,650	
FIRE DEPARTMENT TOTAL	2,093,561	2,151,740	2,208,113	2,306,909	2,306,909	4.47%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>241 BUILDING DEPARTMENT</b>						
51000-51990 Personal Services	121,418	114,742	120,228	149,584	149,584	
52000-58990 Other Charges and Expenses	8,226 <sup>47</sup>	39,200	10,775	7,245	7,245	
BUILDING DEPARTMENT TOTAL	129,644	153,942	131,003	157,009	157,009	19.85%

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BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>291 CIVIL DEFENSE</b>						
51000-51990 Personal Services	2,926	2,926	3,926	2,926	2,926	
52000-58990 Other Charges and Expenses	6,395	6,422	8,224	7,092	7,092	
CIVIL DEFENSE TOTAL	9,321	9,348	12,150	10,018	10,018	-17.55%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>292 ANIMAL CONTROL OFFICER AND ANIMAL INSPECTOR</b>						
52000-58990 Other Charges and Expenses	27,720	27,592	28,490	28,490	28,490	
ANIMAL CONTROL OFF. & ANIMAL INSP. TOTAL	27,720	27,592	28,490	28,490	28,490	0.00%

**400-499 PUBLIC WORKS & FACILITIES**

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>400, 420 DEPT. OF PUBLIC WORKS</b> (Highway, Cemetery, Tree)						
51000-51990 Personal Services	901,522	916,585	985,396	1,000,555	1,000,555	
52000-58990 Other Charges and Expenses	1,308,742	1,330,150	1,287,950	1,389,820	1,389,820	
DEPT. OF PUBLIC WORKS TOTAL	2,210,264	2,246,735	2,273,346	2,390,375	2,390,375	5.15%

**500-599 HUMAN SERVICES**

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>510 ELECTED BOARD OF HEALTH</b>						
51000-51990 Personal Services	150	0	450	450	450	
ELECTED BOARD OF HEALTH TOTAL	150	0	450	450	450	0.00%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>512 BOARD OF HEALTH</b>						
51000-51990 Personal Services	104,297	106,820	109,605	112,887	112,887	
52000-58990 Other Charges and Expenses	55,148	54,262	55,817	57,830	57,830	
BOARD OF HEALTH TOTAL	159,445	161,082	165,422	170,717	170,717	3.20%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>541 COUNCIL ON AGING</b>						
51000-51990 Personal Services	248,607	258,083	267,038	277,842	277,842	
52000-58990 Other Charges and Expenses	59,213	57,881	60,915	58,785	58,785	
COUNCIL ON AGING TOTAL	307,820	315,964	327,953	336,627	336,627	2.64%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS RECOMM*	Percent Inc./Decr.
<b>542 YOUTH COMMISSION</b>						
51000-51990 Personal Services	134,032	141,070	172,300	223,826	223,826	
52000-58990 Other Charges and Expenses	10,752	9,072	11,300	14,292	14,292	
YOUTH COMMISSION TOTAL	144,784	150,142	183,600	238,118	238,118	29.69%

\* Advisory Committee recommendation at Town Meeting

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BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>543 VETERANS' SERVICES</b>						
51000-51990 Personal Services	15,000	15,000	15,000	15,000	15,000	
52000-58990 Other Charges and Expenses	18,278	24,319	35,120	20,845	20,845	
VETERANS' SERVICES TOTAL	33,278	39,319	50,120	35,845	35,845	-28.48%

**600-699 CULTURE & RECREATION**

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>610 LIBRARY</b>						
51000-51990 Personal Services	375,071	383,123	412,366	425,177	425,177	
52000-58990 Other Charges and Expenses	129,518	137,402	127,799	131,445	131,445	
LIBRARY TOTAL	504,589	520,525	540,165	556,622	556,622	3.05%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>630 RECREATION COMMISSION</b>						
51000-51990 Personal Services	125,622	124,478	135,814	138,362	138,362	
52000-58990 Other Charges and Expenses	8,979	9,900	9,900	9,900	9,900	
RECREATION COMMISSION TOTAL	134,601	134,378	145,714	148,262	148,262	1.75%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>691 HISTORICAL COMMISSION</b>						
52000-58990 Other Charges and Expenses	3,500	3,500	2,500	2,500	2,500	
HISTORICAL COMMISSION TOTAL	3,500	3,500	2,500	2,500	2,500	0.00%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>692 MEMORIAL DAY</b>						
52000-58990 Other Charges and Expenses	3,050	2,432	3,150	3,000	3,000	
MEMORIAL DAY TOTAL	3,050	2,432	3,150	3,000	3,000	-4.76%

**700-799 DEBT SERVICE**

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>DEBT PRINCIPAL AND DEBT INTEREST</b>						
0100-710-59100 Principal General Fund	2,507,043	2,602,060	2,397,976	2,352,547	2,352,547	
0100-751-59150 Interest General Fund	317,778	575,634	914,032	1,003,977	1,003,977	
DEBT PRINCIPAL AND DEBT INTEREST TOTAL	2,824,821	3,177,694	3,312,008	3,356,524	3,356,524	1.34%

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**900-999 UNCLASSIFIED**

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>910 EMPLOYEE BENEFITS</b>						
51700 Police/Fire Accident and Workers' Comp.	224,210	231,685	238,636	243,223	243,223	
51710 Unemployment Payments	1,740	4,350	25,000	29,578	29,578	
51720 Health Insurance	4,402,669	4,611,358	5,038,971	5,207,585	5,207,585	
51730 Retirement Fund	1,611,713	1,777,093	1,959,533	2,170,625	2,170,625	
51740 Life Insurance	4,840	5,669	5,110	5,297	5,297	
51750 Flexible Spending Account	7,056	7,551	6,912	7,440	7,440	
51770 Medicare	333,997	347,606	357,495	375,970	375,970	
51780 Dental Insurance	216,688	225,444	239,549	236,306	236,306	
51785 Medicare B Penalty	17,527	17,644	17,740	17,750	17,750	
59660 Transfer to OPEB Trust	250,000	250,000	250,000	250,000	250,000	
EMPLOYEE BENEFITS TOTAL	7,070,440	7,478,400	8,138,946	8,543,774	8,543,774	4.97%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>930 BUDGET CAPITAL</b>						
POLICE: CRUISERS (2)			97,528			
LIBRARY: NEW ROOF (ENG & INSTALLATION)			175,000			
POLICE: TASER PROGRAM			9,892	10,857	10,857	
POLICE: CHIEF VEHICLE				38,650	38,650	
52000-58990 Other Charges and Expenses	70,211	324,343	282,420	49,507	49,507	
BUDGET CAPITAL TOTAL	70,211	324,343	282,420	49,507	49,507	-82.47%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>941 COURT JUDGMENTS</b>						
57600 Court Judgments	217,999	220,659	225,000	225,000	225,000	
COURT JUDGMENTS TOTAL	217,999	220,659	225,000	225,000	225,000	0.00%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>945 LIABILITY INSURANCE</b>						
52000-58990 Other Charges and Expenses	245,886	267,230	272,340	284,595	284,595	
LIABILITY INSURANCE TOTAL	245,886	267,230	272,340	284,595	284,595	4.50%

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**300-399 EDUCATION**

BUDGET NAME	FY 2018 ACTUAL	FY 2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>300 ELECTED SCHOOL COMMITTEE</b>						
51000-51990 Personal Services	150	100	500	500	500	
ELECTED SCHOOL COMMITTEE TOTAL	150	100	500	500	500	0.00%

BUDGET NAME	FY 2018 ACTUAL	FY 2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>301 SOUTHBOROUGH SCHOOLS</b>						
<b>REGULAR DAY PROGRAMS</b>						
Administration	589,899	618,461	642,676	689,509	689,509	
Instruction	10,527,116	10,810,917	11,310,744	11,465,585	11,465,585	
Other Student Services	789,631	825,698	826,273	834,340	834,340	
Operation and Maintenance Buildings	1,855,870	1,924,422	1,680,550	1,596,094	1,596,094	
Fixed Charges	3,879	3,827	4,100	4,100	4,100	
Contractual Obligation	0	0	0	0	0	
REGULAR DAY PROGRAMS TOTAL	13,766,395	14,183,325	14,464,343	14,589,628	14,589,628	
<b>SPECIAL EDUCATION PROGRAMS</b>						
Administration	18,163	6,075	18,500	18,000	18,000	
Instruction	4,590,421	4,765,718	4,886,531	4,898,567	4,898,567	
Other Student Services	451,445	487,917	578,500	445,000	445,000	
Operation and Maintenance Buildings	5,880	4,348	5,000	4,000	4,000	
Programs, Other Systems in Massachusetts	909,182	881,965	775,000	1,190,600	1,190,600	
Programs, Member of Collaborative	39,772	76,638	93,000	90,680	90,680	
SPECIAL EDUCATION TOTAL	6,014,863	6,222,661	6,356,531	6,646,847	6,646,847	
<b>GRAND TOTAL OPERATING BUDGET</b>	<b>19,781,258</b>	<b>20,405,986</b>	<b>20,820,874</b>	<b>21,236,475</b>	<b>21,236,475</b>	<b>2.00%</b>

BUDGET NAME	FY 2018 ACTUAL	FY 2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>302 ALGONQUIN REGIONAL HIGH SCHOOL</b>						
<b>REGULAR DAY PROGRAMS</b>						
Administration	657,991	681,816	688,349	744,395	744,395	
Instruction	10,874,658	11,320,115	11,440,824	11,613,305	11,613,305	
Other Student Services	1,930,658	1,959,871	2,029,191	2,023,745	2,023,745	
Operation and Maintenance Buildings	1,615,313	1,700,449	1,736,088	1,768,150	1,768,150	
Fixed Charges	3,525,866	3,641,881	3,875,748	4,049,667	4,049,667	
New Equipment	110,116	153,603	26,000	16,500	16,500	
Tuition, Other Public Schools	460,816	319,030	290,000	240,000	240,000	
Contractual Obligation	0	0	0	0	0	
REGULAR DAY PROGRAMS TOTAL	19,175,418	19,776,765	20,086,200	20,455,762	20,455,762	

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<b>SPECIAL EDUCATION PROGRAMS</b>					
Administration	21,107	46,389	16,800	17,300	17,300
Instruction	2,158,008	2,326,097	2,504,494	2,794,608	2,794,608
Other Student Services	234,956	212,631	253,780	259,280	259,280
Operation and Maintenance Buildings	1,050	1,524	2,000	2,000	2,000
Fixed Charges	1,636	1,636	1,595	1,595	1,595
Programs, Other Systems in Massachusetts	494,861	459,185	840,979	424,279	424,279
Programs, Member of Collaborative	60,452	46,525	69,600	177,256	177,256
<b>SPECIAL EDUCATION TOTAL</b>	<b>2,972,070</b>	<b>3,093,987</b>	<b>3,689,248</b>	<b>3,676,318</b>	<b>3,676,318</b>
<b>GRAND TOTAL OPERATING BUDGET</b>	<b>22,147,488</b>	<b>22,870,752</b>	<b>23,775,448</b>	<b>24,132,080</b>	<b>24,132,080</b>
					1.5%

	NON EXEMPT	EXEMPT	TOTAL	BOS/ADV RECOMM	Percent Inc./Decr.
<b>FY 2021 SOUTHBOROUGH ASSESSMENT</b>	<b>7,766,842</b>	<b>410,021</b>	<b>7,766,842</b>		<b>-3.55%</b>

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>304 ASSABET VALLEY REGIONAL TECH HIGH SCHOOL</b>						
Southborough Operating Assessment	296,635	329,255	293,357	349,405	349,405	
Renovation Project - Capital Assessment	39,981	38,417	37,405	36,393	36,393	
<b>SOUTHBOROUGH ASSESSMENT</b>	<b>336,616</b>	<b>367,672</b>	<b>330,762</b>	<b>385,798</b>	<b>385,798</b>	<b>16.64%</b>

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>305 NORFOLK COUNTY AGRICULTURAL HIGH SCHOOL</b>						
Tuition/Transportation Assessment	0	0	0	44,634	44,634	
<b>NORFOLK COUNTY AGRICULTURAL HIGH SCHOOL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>44,634</b>	<b>44,634</b>	<b>100.00%</b>



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**Proposed by: BOARD OF SELECTMEN**

**Summary:** See budget report including Advisory Committee and Board of Selectmen's FY21 recommendations. If the Advisory Committee recommendation differs from that of the Board of Selectmen, it shall be noted in that departmental budget.

**ARTICLE 8:** To see if the Town will vote to raise a sum of money as may be necessary for the Water Enterprise Fund's use for Fiscal Year 2021, and make appropriations of the same, as detailed following, or do or act anything in relation thereto.

		FY 2018	FY 2019	FY2020	FY2021	BOS	Percent
BUDGET NAME		ACTUAL	ACTUAL	BUDGET	REQUEST	RECOMM	Inc./Decr.
<b>450 DEPT. OF PUBLIC WORKS - WATER</b>							
51000-51990 Personal Services		334,049	339,522	343,867	355,405	355,405	
52000-58990 Other Charges and Expenses		1,310,228	1,223,790	1,317,400	1,341,950	1,341,950	
59100 Principal Water Fund		290,000	290,000	318,233	340,000	340,000	
59150 Interest Water Fund		114,622	107,604	119,603	142,490	142,490	
59510 Indirect Costs		90,000	90,000	131,239	160,847	160,847	
DEPT. OF PUBLIC WORKS - WATER TOTAL		2,138,899	2,050,916	2,230,342	2,340,692	2,340,692	4.9%

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** The Water budget is funded through an Enterprise Fund that is supported entirely through the water rates, which supports all aspects of the department's operation.

**MOTION MADE:** That \$2,179,845 be appropriated for the Water Enterprise Fund and that \$160,847 be included in appropriations from the general fund for indirect costs and be allocated to the Water Enterprise Fund, and that \$2,340,692 be raised as follows:

Transfer from water premium funds	4,424.00
FY21 Revenues:	2,336,268.00

**MOTION PASSED.**

**ARTICLE 9:** To see if the Town will vote to raise and appropriate, or transfer from available funds a sum of money for General Government capital items for the following purposes:

	DESCRIPTION	REQUEST	LEVY	OTHER FUNDS
A.	DPW – Transfer Station E&D for renovation	\$ 35,000	\$ 35,000	
B.	DPW – Large Truck & Equipment Body Work	\$ 12,000	\$ 12,000	
C.	DPW – Road Maintenance	\$325,000	\$325,000	
D.	Fire/Police – Repeater site for Radio System	\$ 45,000	\$ 45,000	
E.	Library – Replacement Boiler	\$ 85,000	\$ 85,000	
F.	Library – Energy Management System	\$ 75,000	\$ 75,000	
G.	ADA Title II Self-evaluation	\$ 40,000	\$ 40,000	

, or do or act anything in relation thereto.

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**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:**

*A. These funds will be used by the ad-hoc Capital Planning Committee for review, analysis, and public input on Transfer Station operations, and will lead to recommendations for future improvements to the layout, management, and traffic flow for that facility;*

*B. This annual funding addresses maintenance of various DPW capital equipment to extend the life of these assets. This year it will be used for body work (strip, prime, paint) on one 35,000GVW truck;*

*C. These funds are for public roadway, sidewalks and walkway maintenance, repair and construction throughout town. These are expended in conjunction with Chapter 90 roadway improvement funding from the Commonwealth;*

*D. These funds will be used to seek a new repeater site for the public safety radio system, which allows Police, Fire and DPW vehicles to communicate throughout Town. No funds will be spent prior to confirmation with the Town's communication consultants that any proposed upgrade to the radio system will improve the coverage of the existing system;*

*E. These funds will provide the necessary engineering related to and the replacement of the existing 30+ year old boiler and associated components at the Southborough Library;*

*F. These funds will provide the necessary engineering related to and the replacement of the existing building energy management system (EMS) and associated pneumatic components with a new EMS with Direct Digital Control (DDC) electronic components at the Southborough Library;*

*G. The Massachusetts Office of Disability (MOD) recently informed the Town that it is required to perform an accessibility review of its public buildings and facilities. The Town will be applying for a MOD grant to offset these costs. The results of the review, and any corresponding improvements, will be incorporated into the Town's capital plan.*

**MOTION MADE:** That the Town vote to raise and appropriate the following:

- \$35,000 for Capital Committee Study
- \$325,000 for DPW road maintenance;
- \$45,000 for a repeater site for Public Safety radio system;
- \$85,000 for a replacement boiler at the Library;
- \$75,000 for an energy management system at the Library;
- \$40,000 for an ADA Title II self-evaluation
- \$25,000 Cordaville Hall renovation-bathroom

And further to transfer from the Ambulance Fund, \$17,000 for Lucas devices for ambulances.

**MOTION PASSED.**

**ARTICLE 10:** To see if the Town will appropriate a sum of money to pay costs of the equipment listed below, and for the payment of costs incidental or related thereto, and to determine whether this amount shall be raised by borrowing, transfer from available funds, or otherwise:

	DESCRIPTION	REQUEST	LEVY	WATER AND OTHER FUNDS
A.	Fire Pumper	\$600,000	\$600,000	

, or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:**

*A. These funds will be used to replace a 2001 E-One Typhoon Pumper, which is at its useful lifespan for this type of vehicle (20 years). The normal procurement process, including the construction of the vehicle, is 12-15 months. Delivery of the new vehicle is anticipated in early FY2022.*

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**MOTION MADE:** That the Town appropriate \$600,000 to pay costs of purchasing a fire truck and for the payment of all other costs incidental or related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under and pursuant to M.G.L. c. 44, §7(1), or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor. Any premiums received by the Town upon the sale of any bonds or notes issued pursuant to this vote, less any premium applied to the payment of costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

**MOTION to indefinitely postpone the article failed.**

**MOTION MADE:** To amend the article by adding the words “to have the Board of Selectmen formally request that St. Mark’s, Fay School and NECC contribute to the capital cost of the new fire apparatus.”

**MOTION FAILED by counted vote: 53 in favor, 76 opposed.**

**MAIN MOTION PASSED by Moderator declared 2/3rds majority.**

**ARTICLE 14:** To see if the Town will vote to appropriate, borrow or transfer from available funds, an amount of money to be expended under the direction of the School Committee for replacement of the boiler at the Mary E. Finn Elementary School, 60 Richards Road, Southborough, which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program and for which the Town has applied for a school construction grant from the Massachusetts School Building Authority (“MSBA”). The Town acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and if the MSBA’s Board of Directors votes to invite the Town to collaborate with the MSBA on this proposed repair project, any project costs the Town incurs in excess of any grant that may be approved by and received from the MSBA shall be the sole responsibility of the Town, or do or act anything in relation thereto.

**Proposed by:** SCHOOL COMMITTEE

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *This project would replace the school’s 21-year-old heating system with new oil boilers, with an estimated efficiency of 85%. The project also includes providing the hardware to convert to natural gas if it becomes available in the future. This project is a partnership with the Massachusetts School Building Authority (MSBA) Accelerated Repair Project. The total cost of the project is estimated to be \$990,180.00. The Town of Southborough’s cost for the project is \$624,903.00 and MSBA’s contribution is \$365,276, which reflects the Town of Southborough’s MSBA reimbursement rate of 36.89%.*

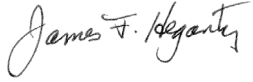
**MOTION MADE:** That the Town vote to appropriate the amount of Nine Hundred and Ninety Thousand One Hundred and Eighty (\$990,180) Dollars for the purpose of paying costs of replacement of the boiler at the Mary E. Finn Elementary School, 60 Richards Road, Southborough, including the payment of all costs incidental or related thereto (the “Project”), which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the Town has applied for a grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended under the direction of the School Committee. To meet this appropriation the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said amount under M.G.L. Chapter 44, or pursuant to any other enabling authority. The Town acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and if the MSBA’s Board of Directors votes to invite the Town to collaborate with the MSBA on this proposed repair project, any project costs the Town incurs in excess of any grant that may be approved by and received from the MSBA shall be the sole responsibility of the Town; and that, if invited to collaborate with the MSBA on the proposed repair project, the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the Town and the MSBA. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

**MOTION PASSED by Moderator declared 2/3 majority.**

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**MOTION TO DISSOLVE THE 2020 ANNUAL TOWN MEETING AT 4:31 PM PASSED.**

True Copy  
Attest:

A handwritten signature in cursive script, reading "James F. Hegarty".

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James F. Hegarty, Town Clerk





Report of the Southborough Town Clerk  
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May 22, 2021

The Annual Town Meeting was duly called and held at 10:00 AM on Saturday, May 22, 2021 at the baseball field adjacent to the Neary School, 53 Parkerville Road, Southborough. A quorum was present (100 voters = quorum); 179 voters were present. The following articles were voted on in a legal manner.

Town Moderator, Paul M. Cimino, called the meeting to order at 10:19 AM.

**MOTION MADE:** To dispense with the reading of the call of the meeting and the officer's return of service and to waive the reading of the separate articles of the warrant.

**MOTION PASSED.**

**CONSENT LIST**

**MOTION MADE:** That the following articles be combined for one vote and to pass them:

Articles 2, 3, 4, 9, 12, 13, 14, 15, 16, 17, 25, 27 and 29.

**MOTION PASSED.**

**INDEFINITELY POSTPONED – COMBINED VOTE**

**MOTION MADE:** I move to reorder the consideration of articles contained in the warrant, specifically by advancing the following articles for consideration at this time along with article 1: Articles 6, 23, 26 and 38.

**MOTION PASSED.**

**MOTION MADE:** That we suspend the rules so we could permit simultaneous consideration and voting of Articles 1, 6, 23, 26 and 38.

**MOTION PASSED BY MODERATOR DECLARED 2/3<sup>RD</sup> MAJORITY.**

**MOTION MADE:** That the matters contained in Articles 1, 6, 23, 26 and 38 be postponed indefinitely

**MOTION PASSED.**

**ARTICLE 1:** To hear reports of the various Town Officers and Committees and to take such action thereon as the Town may vote.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *To hear reports of Town Boards, Committees or Commissions*

***INDEFINITELY POSTPONED – COMBINED LIST***

**ARTICLE 2:** To see if the Town will vote to accept any sum of money from St. Mark's School, Fay School, Harvard Medical School, L'Abri Fellowship, The New England Center for Children, and any other contributor and deposit same amount in Estimated Receipts Account, and determine what disposition shall be made of the same, if accepted, or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *To allow the Board of Selectmen to accept donations from Tax Exempt organizations and determine the disposition of funds.*

***PASSED – CONSENT LIST.***

**ARTICLE 3:** To see if the Town will vote to authorize the Town Treasurer, with the approval of the Selectmen, to borrow from time to time in anticipation of revenue of the financial year beginning July 1, 2021 in accordance with the provisions of Massachusetts General Laws, Chapter 44, and to issue a note or notes as may be given for a period of less than one year in accordance with Massachusetts General Laws, Chapter 44, Section 17 as amended, or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *This article allows the Town Treasurer to short-term borrow in anticipation of revenue.*

***PASSED – CONSENT LIST.***

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**ARTICLE 4:** To see if the Town will vote in accordance with the provisions of Massachusetts General Laws Chapter 30B, Section 12(b), to authorize the Board of Selectmen or the Superintendent of Schools to solicit and award contracts for terms exceeding three years, including any renewal, extension or option, provided in each instance the longer term is determined to be in the best interest of the Town by a vote of the Board of Selectmen or the School Committee, as appropriate, or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation:** Support

**Advisory Board Recommendation:** Support

**Summary:** *This article allows the Selectmen and/or the School Committee to enter into contracts in excess of three years, if deemed in the best interest of the Town to do so. This has been an annual article, and the exemption has been limited to contracts of no more than seven years.*

**PASSED – CONSENT LIST.**

**ARTICLE 5:** To see if the Town will vote to accept the Personnel Salary Administration Plan, as specified in Chapter 31 of the Code of the Town of Southborough, entitled: PERSONNEL.

PERSONNEL BYLAW  
ENTITLED “THE SALARY ADMINISTRATION PLAN”  
[Revised at May 22, 2021 Annual Town Meeting]

This bylaw establishes a Salary Administration Plan for the Town of Southborough that (i) groups position classifications in Town services, (ii) establishes salary schedules and employee benefits and (iii) establishes and authorizes the Personnel Board to administer the bylaw and to represent the interest of both the taxpayers and the Town employees.

This Salary Administration Plan applies to the positions of all officers and employees in the service of the Town, whether full-time, part-time, temporary, seasonal, special or any other, except those positions filled by popular election, under the direction and control of the School Committee, performed pursuant to a contract approved by the Town or encompassed in any officially recognized labor union and/or association. The positions covered by this Salary Administration Plan are hereby classified by titles in the groups listed in Schedule A through G (“Classification Schedule”) as set forth in Section 20 of this bylaw.

The classification of positions subject to the Massachusetts Welfare Compensation Plan (as amended) and the scheduled rates therefor, as well as the applicable provisions of the Massachusetts General Laws relating to the application of rates set forth in the aforementioned Welfare Compensation Plan are hereby incorporated by reference.

SECTION 1. DEFINITIONS

As used in this bylaw, the following words and phrases shall have the following meanings:

“Administrative Authority” means the elected or appointed official or board having jurisdiction over a function or activity.

“Base Pay” means the compensation paid by the Town of Southborough for the purposes of determining retirement credits and contributions for Town employees.

The Town shall contribute funds as required for each eligible employee in accordance with the procedures and formula established by the Worcester Regional Retirement System and the bylaws of the Town of Southborough. Contributions shall include (i) wages earned during the first eight hours worked in any one day (no contributions shall be made for hours worked in excess of 40 per week,) (ii) any lump sum bonus that is guaranteed by the Salary Administration Plan or the Bylaws of the Town, (e.g., longevity pay); (iii) vacation pay, except when paid in lieu of taking vacation; (iv) sick pay; and (v) holiday pay.

“Class” means a group of positions in the Town service sufficiently similar with respect to duties and responsibilities such that for each position the same (i) descriptive title may be used, (ii) qualifications shall be required, (iii) tests of fitness may be used to choose qualified employees and (iv) scale of compensation can be equitably applied.

“Classification Schedule” means any of Schedules A, B, C, D, E, F and G of Section 20 hereof.



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“Compensation Grade” means a range of salary/wage rates as may appear in the Classification Schedules.

“Continuous Full-Time Service” means employment requiring a predetermined minimum work period that is uninterrupted except for authorized leaves (e.g., vacation, sick, etc.).

“Continuous Employment” means full-time or part-time employment that is uninterrupted except for authorized leaves (e.g., vacation, sick, etc.).

“Department” means a functional unit of Town government.

“Department Head” means the person appointed and responsible to carry out the duties of a Department.

“Exempt employee” means an employee who is not entitled to overtime pay under the Fair Labor Standards Act (FLSA).

“Full-Time Employment” means employment for not less than 20 hours per week for fifty-two weeks per annum, excepting authorized holidays and leave periods.

“Group” means a group of classes as may appear in the Classification Schedules.

“Maximum Rate” means the highest compensation rate to which an Employee is entitled.

“Minimum Rate” means the lowest rate in a Range, and is normally the hiring rate of a new employee.

“Non-exempt employee” means an employee who is entitled to overtime pay under the Fair Labor Standards Act (FLSA).

“On-Call Compensation” refers to additional money paid to an employee who is required to work when the need requires; oftentimes in an evening or weekend capacity.

“Part-Time Employment” means employment less than 20 hours per week.

“Position” means an office or post of employment in the Town service with duties and responsibilities calling for the Full-Time or Part-Time Employment of one person in the performance and exercise thereof (or of more than one person sharing the same position).

“Position Class” means the same as “Class” (note that a class may include only one position, in which event it is defined as a “single position class”).

“Probationary Employee” means a first-time Town employee within his/her first six months of employment.

“Promotion” means a change from one position to another position in a higher class and/or compensation grade.

“Range” means the difference between minimum and maximum rates of an assigned grade.

“Rate” means the measure of compensation for personal services on an hourly, weekly, monthly, annual or other basis.

“Salary Administration Plan” means the Personnel Bylaw Entitled “The Salary Administration Plan.”

“Single Rate” means a rate for a specific position class that is not in a designated range

.

“Start Date” means the first day of employment with the Town.

## SECTION 2. POSITION TITLES

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No person shall be appointed, employed or paid in any position under any title other than those of the Classification Schedule for which the duties are actually performed. The position title in the Classification Schedule shall be the official title for all purposes, including payrolls, budgeting and official reports.

### SECTION 3. NEW OR CHANGED POSITIONS

No new position shall be established, nor the duties of an existing position so changed that a new level or work demand exists, unless upon presentation of substantiating data satisfactory to the Personnel Board, the Board shall rate such new or changed position, and allocate it to its appropriate classification grade and establish the rate therefor.

### SECTION 4. RECLASSIFICATION OF EMPLOYEES

No position may be reclassified to another grade, whether higher or lower, unless the Personnel Board shall have determined such reclassification is consistent with this Salary Administration Plan.

### SECTION 5. JOB DESCRIPTIONS

The Personnel Board shall maintain such criteria as it deems appropriate for the positions and classes in the schedules. Each department or public body (board, committee, commission) with SAP employees shall maintain current job descriptions for such employees. All such job descriptions and any revisions thereto must be submitted to the Personnel Board for approval following review and approval by the Board of Selectmen or appropriate public body. The criteria for any class shall not be deemed to limit the duties or responsibilities of any position as set forth in the job description, nor to affect in any way the power of any administrative authority to appoint, to assign duties to, or to direct and control the work of any employee under the jurisdiction of such authority.

### SECTION 6. COMPENSATION

- a. The bi-weekly pay period shall begin at 12:00 a.m. Thursday and shall end at 11:59 p.m. on the following second Wednesday.
- b. Non-exempt employees subject to this Salary Administration Plan shall be paid for one and one-half hours worked for any hour worked in the excess of forty in their weekly pay period, provided such extra hours were authorized by the Department Head.
- c. The salary schedules set forth in Schedules A, B, C, D, E, F and G of Section 20 hereof reflect the maximum and minimum salaries for each grade.
- d. The annual salary set forth in Schedule A represents a 40 hour work week and in the event an employee works less than 40 hours per week but more than 20 hours per week, the indicated annual salary is pro-rated reflective of the posted salary schedule in Schedule A.
- e. Amounts paid to employees in reimbursement for expenses incurred in the performance of their duties (e.g., mileage, meals, dues, etc.) shall be paid in addition to their compensation. Reimbursement shall be based upon the actual documented expenditure made by the employee, or at rates established by the Internal Revenue Service, supported by that agency's requirements for documentation.
- f. On-Call Compensation: Employees shall be eligible to earn a weekly stipend not to exceed \$200.00 per week for on-call service if the department head has required them to work outside of their normal schedule. This need is likely to occur on an evening or weekend basis as the need requires. There is no provision to accrue compensation time in lieu of payment.

### SECTION 7. SALARY ADJUSTMENT & COMPENSATION POLICIES

- a. Every employee that is in Continuous Full-Time or Part-Time service of the Town, as computed from the date of their latest employment, shall be eligible annually for consideration of a salary increase, one year from the date of his/her latest increase. Except as may be authorized by the Personnel Board in exceptional circumstances, such increase is not to exceed one increase in any single twelve-month period until the maximum of the grade is obtained, and such increase shall be subject to the recommendation of the Department Head, with the approval of the Board of Selectmen or their designated appointee in the case of departments within the jurisdiction of the Board of Selectmen, or the appropriate Commissioners or Trustees in the case of departments outside the jurisdiction

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of the Board of Selectmen.

Retroactive salary increases voted by the Personnel Board shall not be compensated beyond July 1 of that fiscal year, regardless of the funding mechanism.

An evaluation of the employee's performance, in a format approved by the Personnel Board, must accompany a request for an increase in the case of all employees in Full-Time Graded Positions under Schedule A. Evaluations of employees in Part-Time Hourly Graded Positions under Schedule C and Seasonal Personnel under Schedule F may require performance evaluations under Personnel Policy enacted hereunder. Upon receiving such documentation, the Personnel Board shall have final review and approval of all adjustments.

An employee may appear before the Personnel Board prior to its action on any request for an increase. Any employee denied such an increase may appeal, in writing, to the Personnel Board, which shall confer with the employee, the Department Head and the Board of Selectmen or their designated appointee, or the appropriate Commissioners or Trustees, and shall decide the matter.

b. Regular Part-Time employees shall be eligible for consideration for salary increases within their grade one year from the date of their last increase, absent exceptional circumstances as may be authorized by the Personnel Board.

c. Special and other Part-Time personnel for whose positions there is a single rate established in Schedule D shall not be eligible for adjustment.

d. Probationary Employees:

1. During the probationary period, benefit eligible employee(s) will earn vacation, sick and personal time in accordance with Section 11(b-d) hereof.

2. During the probationary period, paid leave accruals shall be based on the Start Date.

#### SECTION 8. TRANSFERS AND PROMOTIONS

a. An employee who is promoted to a job with a higher range or rate of pay shall enter it at the rate recommended by the Department Head with the approval of the Personnel Board, provided the maximum for the job is not exceeded. This is contingent upon the Department Head's recommendation that qualifications and performance warrant it.

b. An employee transferred to a job with a lower range or rate of pay shall enter it at the rate paid for the previous position or at the maximum rate for the job, whichever is the lower, provided the Personnel Board approves. The employee shall have a right to appeal this decision, in writing, to the Personnel Board, which shall confer with the employee, the Department Head and the Board of Selectmen or their designated appointee, or the appropriate Commissioners or Trustees, and shall decide the matter.

#### SECTION 9. NEW PERSONNEL HIRING; DEPARTURES

a. Pre-employment physical examinations will be required of newly-hired employees consistent with the Town's policies.

b. Probationary period: For new hires, the first six months of employment shall be a probationary period. The probationary period does not apply to Town employees who change positions within the Town. The probationary period is a time during which an employee will be evaluated to ensure that the employee has the requisite knowledge, skills, and abilities to perform the position (with or without reasonable accommodations). Completing the probationary period does not change the employee's relationship with the Town, which will remain one in which either the employee or the Town may terminate the relationship at will.

c. A new employee's hiring rate shall be the minimum of the rate range of the job, unless otherwise authorized by the Personnel Board or Personnel Director. The Personnel Board is cognizant of the need to make timely decisions during the recruitment process, therefore, the Personnel Director is empowered to set starting salaries for new employees with comparable experience at a rate not exceeding the mid-point of the pay scale set forth in Schedules A and C of the Salary Administration Plan.

d. The Personnel Director or his/her delegatee shall notify the Personnel Board in writing of the hiring of all personnel and their hiring rates. The Personnel Director or his/her delegatee shall also notify the Personnel Board in writing of the departure of any

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employee.

#### SECTION 10. DEPARTMENT BUDGETS

Each Department Head shall include in the annual departmental budget a pay adjustment section to provide funds for anticipated pay adjustments, with expenditures to be made only in accordance with this Salary Administration Plan and with the approval of the Personnel Board. Degree bonus [Sec 11i(1)] funds shall also be budgeted in the departmental budget.

#### SECTION 11. EMPLOYEE BENEFITS

Employee benefits are a cost to the Town and a form of “indirect pay” to employees. The benefits listed below are not intended to supersede what State or Federal law may otherwise require. The benefits set forth in this section are applicable to Full-Time employees only, except where noted.

All forms of paid leave set forth in this section are based on a 40 hour work week; in the event an employee works less than 40 hours per week but more than 20 hours per week, the indicated benefit shall be pro-rated reflective of the approved hours per week for that position.

a. Holidays with Pay

Full-Time employees shall receive one day's pay at their regular rate for the following:

New Year's Day	Labor Day
Martin Luther King Day	Columbus Day
Presidents' Day	Veteran's Day
Patriot's Day	Thanksgiving Day
Memorial Day	Day after Thanksgiving Day
Independence Day	Christmas Day
Day before <u>or</u> after Christmas Day (as set by the Town annually)	

To be eligible for holiday pay, an employee must work (or be duly excused from working) their regular scheduled days preceding and following the holiday. Employees who do not work 20 hours or more per week on a regular basis shall not be compensated for holidays. Employees whose regular day off falls on a holiday may have one day off with pay within the ensuing thirty days in lieu of holiday pay, with the specific choice of day subject to Department Head approval. Furthermore, the day granted in lieu of holiday pay shall not cross fiscal years.

All administrative policies and practices relative to holidays with pay shall be prepared and established under the direction of the Personnel Board.

b. Vacations with Pay

(1) Full-Time employees who have been in the continuous employ of the Town shall earn paid vacation in accordance with the following schedule:

Years of Employment	Hours Earned Per Month	Vacation Earned Per Year (Pro-rata)
0 - 5	6.666	Two weeks
5+ - 10	10.0	Three weeks
10+ - 15	13.333	Four weeks
15+ - or more	16.666	Five weeks

Employees hired prior to July 1, 2005, shall be eligible to earn twenty hours per month after serving twenty years of full-time employment with the Town.

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(2) At the recommendation of the hiring authority and upon the approval of the Personnel Board, new employees entering into a position with the Town of Southborough from a similar position will be allowed to enter into the vacation schedule using their years of service from their prior employment, up to a maximum of three weeks' vacation [pro-rated] for the first year of employment with the Town. Employees commencing employment with three weeks per year will be required to complete five years of service before ascending to the next band in the vacation schedule chart.

(3) Vacation shall be granted by Department Heads at their discretion subject to the regular work needs of the Department. An employee shall be permitted to carry over to the following year one year's worth of earned vacation. The employee must have the Department Head's approval to take any portion of a prior year's unused vacation in addition to the days earned in the current fiscal year.

(4) If in the opinion of the Department Head there are unusual work-related circumstances that warrant it, a department head may seek approval from the Town Administrator or his/her delegatee to allow the employee to continue to work and receive vacation pay in lieu of taking vacation. Approval granted in this section may not exceed ten days per fiscal year.

(5) In the event of termination of employment other than for cause, the employee shall be paid, or be entitled to time off with pay, for any accumulated vacation time. Personal and sick leave shall not be compensated at termination.

(6) Vacation administrative policies and practices shall be prepared and established under the direction of the Personnel Board.

c. Sick Leave

(1) Full-Time employees shall be entitled to accrue 10 sick hours per month, equaling 120 hours annually (15 sick days); employees working less than 40 hours in a weekly pay period will accrue ratably based on hours worked per week. Pay for each day of sick leave shall be at the regular rate. Absences on account of sickness in excess of that authorized shall be charged to vacation or other available paid leave. Sick leave shall be payable only in cases of genuine illness, non-work connected accident, or work connected accidents not covered by Massachusetts General Laws Chapter 152 (Workers' Compensation).

(2) Unused sick leave may be accumulated without limitation for employees hired before July 1, 2007. Employees of the Town of Southborough hired on or after July 1, 2007 may only accrue 120 sick days at any one time. At retirement [or death] only, the Town will pay the employee twenty percent (20%) of the employee's then-accumulated sick leave.

(3) Employees who because of genuine illness or a non-work connected accident are absent for a period of more than three days shall be required to present a doctor's certificate to their Department Head before returning to work stating the reason, the period of time the employee was absent and whether there are any physical restrictions or required outpatient services the employee must adhere to in the workplace.

(4) Annually, an employee may use up to seven of the allowed fifteen days of sick leave for the care of a sick family member.

(5) Sick leave administrative policies and practices shall be prepared and established under the direction of the Personnel Board.

d. Personal Days

Full-Time employees shall be entitled to three personal days per year, to be granted annually on the anniversary of the employee's Start Date. New employees shall be granted three personal days which shall be pro-rated based on hours worked per pay period. Requests for personal days shall be approved by the Department Head. Personal days shall not accumulate from year to year.

e. Military Leave

(1) Reserve Duty: An employee in full-time employment in the military reserve shall be paid the difference between compensation received while on reserve duty and regular compensation rates paid the employee by the Town. Such payment by the Town shall be limited to a period not to exceed two weeks in any twelve-month period.

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(2) Active Duty: Pursuant to Article 8 of the April 11, 2005 Annual Town Meeting, an employee in the federal military reserve or a state National Guard who is called to active service shall be entitled to their regular base salary and shall not lose any seniority or paid leave benefits while on military leave; *provided*, however, that such base pay shall be reduced by any amount received from the United States as pay or allowance for military service performed.

f. Jury Duty

Any employee who is called to jury duty shall be paid the difference between their normal compensation and the amount (excluding any travel allowance) received from the court, upon presentation of evidence of the amount paid by the court.

g. Miscellaneous Paid Time Off

Working time lost from regularly scheduled work days for reasons listed below shall be without loss of pay, provided such lost time is authorized by the Department Head. Sections (1) – (3) are applicable to Full-Time employees only; Section (4) is applicable to both Full-Time and Part-Time employees.

(1) Bereavement leave – In the event of the death of a spouse, father, mother, child, father-in-law, mother-in-law, brother, sister, grandparent, or of any other person then residing with the employee, such employee shall be entitled to receive three days' leave for the purpose of the funeral and services of the deceased. If out-of-state travel is required, the Department Head may authorize up to two additional days of travel time.

(2) Medical examination or inoculation required by the Town.

(3) Blood donation authorized by the Department Head.

(4) Attendance at professional and/or educational programs authorized by the Department Head.

h. Court Time Pay

If the Town requires that an employee appear in Court as a witness or in any other capacity arising from the performance of the employee's duty, or on behalf of the Commonwealth or the Town in any civil or criminal case pending in any Court or other official governmental board or agency, such appearance and related travel time shall constitute work time for purposes of calculating weekly hours worked. If such appearance or related travel time causes a non-exempt employee to exceed forty hours of work in any given work week, the employee shall be eligible for overtime pay in accordance with Section 6(b). This section does not apply to exempt employees.

i. Employee Educational Support/Professional Development

(1) Degree Bonus: All Part-Time and Full-Time employees who, while an employee of the Town, earns a degree in a field applicable to their position from an accredited college or university, shall receive a one-time bonus subject to appropriation, according to the following schedule:

Associates Degree ..... \$ 800.00

Bachelors Degree ..... \$1,200.00

Masters Degree ..... \$1,500.00

A copy of the completed transcript, diploma or other appropriate evidence of the completed degree must be presented to the Department Head and the Personnel Board, and shall be submitted as documentation for accounts payable.

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(2) Tuition reimbursement: the Town may offer tuition reimbursement to eligible Full-Time and Part-Time employees as prescribed by Personnel Board policy enacted under this Bylaw.

j. Group Medical Insurance

Starting July 1, 2009, the Town will contribute fifty percent (50%) of the cost of a medical indemnity plan or seventy-five percent [75%] of the cost of a Health Maintenance Organization plan for Full-Time employees only.

## SECTION 12. UNPAID LEAVES OF ABSENCE

a. A leave of absence without compensation may be granted by the Personnel Board.

b. Leaves of absence of over three months' duration (except Military Leave) shall be deemed a break in employment, and on return to work the employee shall have the status of a new employee unless an extension of leave beyond three months was authorized by the Personnel Board.

## SECTION 13. PART-TIME EMPLOYEES WORKING FULL-TIME HOURS TEMPORARILY

a. A Part-Time employee may work 20 hours or more per week for a period of no longer than one month if requested by their Department Head due to exigent circumstances, or for longer if approved by the Personnel Board. In such cases, the employee will remain a Part-Time employee with no change in status.

b. Department Heads may submit requests for additional compensation for Part-Time employees temporarily working Full-Time hours, subject to available funding. The Personnel Board shall entertain such requests at the first available opportunity.

## SECTION 14. APPOINTMENT OF "ACTING" DEPARTMENT HEADS

a. In the absence or retirement of a Department Head for three consecutive weeks, the Board of Selectmen or appropriate board or commission may appoint an "Acting" Department Head to serve for a period of not more than three months. Such three-month period may be extended for up to three additional three-month periods, upon the approval of the Board of Selectmen or other appropriate board or commission for each such extension. In no case shall an appointment of an "Acting" Department Head exceed one year.

b. Duly appointed "Acting" employees shall be compensated at an additional 10% per week, payable retroactively only upon the conclusion of three consecutive weeks of service by the "Acting" employee. Such employees shall still be eligible for overtime pay when fulfilling regular duties from the previous job beyond normal working hours.

## SECTION 15. PERSONNEL BOARD

a. There shall be a Personnel Board to administer the Salary Administration Plan. Said Board is to be appointed by the Town Moderator. The Board shall consist of five voters other than employees of the Town or those regularly serving the Town in any elective capacity. They shall serve without compensation. For purposes of this section, Election Workers and Wardens shall not be considered "employees of the Town."

b. Other than as may be needed to fill unexpected vacancies, appointments shall be for three years. The Moderator shall fill any vacancies. The Personnel Board may employ assistance and incur expenses as it deems necessary, subject to appropriation of funds therefor.

## SECTION 16. DUTIES OF THE PERSONNEL BOARD

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- a. The Personnel Board shall administer the Salary Administration Plan and shall establish such policies, procedures and regulations as it deems necessary for the administration of the Plan.
- b. The Town Administrator serves as the Town's Personnel Director under the Town Administrator Bylaw [Ch. 27, Art. IX]. As such, the Personnel Director is invested with personnel authority and responsibilities as set forth therein. From time to time, and as may be necessary, the Personnel Board will consult and/or act in concert with the Personnel Director or his/her delegatee on matters of joint responsibility and concern.
- c. The Board shall meet annually in July and organize by the choice of a Chair and Clerk. The Board shall meet at least monthly, except when there is no business before the Board. A majority of the Board shall constitute a quorum for the transaction of business. The votes of the majority of all the members of the Board shall be necessary on any matter upon which it is authorized to or required to pass under the Salary Administration Plan.
- d. The Personnel Board shall maintain records of all employees subject to this Plan as it deems desirable, including personnel evaluations. Such records are to be kept by the Personnel Director or his/her delegatee, under the direction of the Personnel Board. Department Heads shall furnish such information as requested by the Board.
- e. The Personnel Board shall from time to time, but no less often than every federal Election Year, review the Classification Schedule, Salary Schedules, and administration policies of the Salary Administration Plan. It shall keep informed as to pay rates and policies outside the Town, and shall recommend to the Town any action that the Board deems desirable in that regard. The Personnel Board may tentatively add a new class to the Classification Schedule or reallocate an existing class to a different compensation grade, either higher or lower, subject to the subsequent ratification of its action by formal amendment of the Salary Administration Plan at the next Annual Town Meeting.
- f. Not later than six (6) months prior to Annual Town Meeting, the Personnel Board may vote an annual adjustment (but shall reserve the right to vote no adjustment) to the Classification Schedule and establish the effective rate for employees of each grade for the next fiscal year, subject to the subsequent ratification of its action by formal amendment of the Salary Administration Plan at the next Annual Town Meeting. The Personnel Board shall base any annual adjustments upon available relevant information. Approval of the rate for any given employee is not guaranteed and is driven by the annual performance evaluation.
- g. Matters of concern by SAP employees that are communicated in writing to the Chair of the Personnel Board will be scheduled on an agenda at the next available meeting providing all necessary and requested information has been submitted in time to be part of the meeting packet. In addition, notice in writing shall be forwarded to the concerned employee and respective Department Head within seven days of the Board's decision. Notwithstanding the foregoing, if the Personnel Board shall so request and the concerned employee and Department Head shall agree, a reasonable extension of these time periods may be granted.
- h. Upon recommendation of a Department Head, supported by evidence in writing of special reasons and exceptional circumstances satisfactory to the Personnel Board, the Board may authorize variances in the Salary Administration Plan as it may deem necessary for the proper functioning of the services of the Town, and to effectuate the basic intent of the Plan.

#### SECTION 17. EMPLOYEES AND THE PERSONNEL BOARD

- a. All employees covered by this Salary Administration Plan shall have the right to request an appointment to confer with the Personnel Board on any matter of interest or concern to them that is covered by the Salary Administration Plan. The employee shall notify the Department Head in writing in advance of the desire to discuss the matter with the Board. One of the duties of the Board shall be to foster mutual understanding and good will with the personnel of the Town.
- b. To facilitate this, if any employee should feel aggrieved by the operation of any provision of the Plan, the employee shall first discuss the matter with the Department Head, in a mutual effort to clear up any problems or misunderstanding.
- c. If two weeks after such a conference a satisfactory understanding and solution of the problem has not been reached, then either the Department Head or the employee may take the matter to the Personnel Board, and the Board shall hear the parties not later than at



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its next regular meeting. There shall be no discrimination or prejudice by a Department Head against any employee who may take a matter to the Board.

SECTION 18. AMENDMENT OF THE PLAN

The Salary Administration Plan may be amended in the same manner that Town Bylaws may be amended. However, no amendment to the Plan shall be made until it has been presented by a signed petition to, and acted upon by, the Personnel Board. Upon receipt of such a written petition, the Board, after giving the petitioner(s), the Department Head(s) and the affected employee(s) at least two weeks' written notice, shall hold a hearing to consider the proposed amendment. If the Personnel Board approves of any proposed amendment, it shall bring it before the next available Special or Annual Town Meeting for its consideration. If the Personnel Board disapproves any proposed amendment or shall fail to act thereof within fifteen days after the hearing (which failure shall be deemed disapproval), the petitioner(s) may the present the petition to the next available Town Meeting for its consideration. The Board of its own motion, after a similar hearing and/or conference with parties interested, may propose an amendment to the Plan.

SECTION 19. SEVERABILITY PROVISION

In the event that any provision of this bylaw, or application thereof, shall be held to be invalid by the proper authorities, this shall not be construed to affect the validity of any other provision, or application thereof, of this bylaw.

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*SECTION 20: CLASSIFICATION SCHEDULE*  
*SCHEDULE A: FULL-TIME SALARY GRADED POSITIONS*

<b>POSITION TITLE</b>	<b>PAY GRADE</b>
<b>DEPARTMENT HEADS &amp; MANAGEMENT STAFF</b>	
Superintendent of Public Works*	9
Finance Director/Treasurer-Collector*	
Assistant Town Administrator	8
Director of Facilities	
Library Director	
Building Commissioner	
IT Manager	
Police Lieutenant	
Town Accountant*	
Director, Council on Aging	
Principal Assessor*	
Conservation Agent	7
Director, Youth & Family Services	
Director of Recreation	
Town Planner	
<b>SUPERVISORS &amp; TECHNICAL STAFF</b>	
Assistant Town Clerk	6
Assistant Director, Youth & Family Services	
Outreach Coordinator	
Assistant Library Director	
Police Business Administrator	
Program Manager, COA	
Business Administrator II	5
Children's Librarian	
Staff Engineer	
Executive Assistant to the Board of Selectmen	
Program Coordinator	
Deputy Assessor	
Business Administrator I	4
Maintenance Technician	
Assistant Treasurer/Collector	
Assistant Town Accountant	

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<b>ADMINISTRATIVE &amp; SUPPORT STAFF</b>	
Administrative Assistant	3
Senior Library Assistant	
Library Assistant	2
Maintenance Mechanic	
Maintenance Custodian	1

\*when not under contract

Rates for Full-Time Positions

Grade	Minimum		Midpoint		Maximum	
	Annual	Hourly	Annual	Hourly	Annual	Hourly
1	\$39,236	\$18.86	\$45,149	\$21.71	\$51,063	\$24.55
2	\$42,178	\$20.28	\$48,505	\$23.32	\$54,832	\$26.36
3	\$45,341	\$21.80	\$52,143	\$25.07	\$58,945	\$28.34
4	\$50,446	\$24.25	\$59,274	\$28.50	\$68,103	\$32.74
5	\$54,230	\$26.07	\$63,719	\$30.63	\$73,209	\$35.20
6	\$58,297	\$28.03	\$68,498	\$32.93	\$78,700	\$37.84
7	\$70,063	\$33.68	\$84,077	\$40.42	\$98,089	\$47.16
8	\$82,325	\$39.58	\$98,790	\$47.50	\$115,255	\$55.41
9	\$96,731	\$46.51	\$116,077	\$55.81	\$135,424	\$65.11

SCHEDULE B: [RESERVED FOR FUTURE USE] SCHEDULE C:

PART-TIME HOURLY GRADED POSITIONS

Election Worker.....	1
Library Page.....	1
Election Warden .....	2
Seasonal Laborer.....	2
Custodian .....	2
Library Technician.....	2
Library Associate .....	3
Administrative Assistant.....	3
Police Dispatcher.....	3
Technical Specialist .....	4
Business Assistant.....	4
Economic Development Coordinator.....	4
Electrician .....	5
Nurse.....	5
Public Health Director* .....	5

\*when not under contract

Rates for Part-Time Positions

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Grade	Minimum		Maximum	
	Hourly	Annual*	Hourly	Annual*
1	\$11.44	\$23,802	\$14.56	\$30,288
2	\$12.48	\$25,964	\$17.69	\$36,795
3	\$18.73	\$38,957	\$26.02	\$54,111
4	\$22.89	\$47,604	\$32.25	\$67,083
5	\$29.13	\$60,597	\$43.69	\$90,885

*\*This represents the annualized rate if a Part-Time employee worked a 40 hour week; however, under this Bylaw, Part-Time employees work 20 hours or less per week.*

*Municipalities are subject to the federal minimum wage law, not the state law.*

SCHEDULE D: FIRE DEPT POSITIONS (not covered by Collective Bargaining Agreement)

Probationary EMR, EMT or Basic Firefighter	\$00.00 / hr.
Emergency First Responder (EMR)	\$15.00 / hr.
EMT or Firefighter I	\$19.00 / hr.
Advanced EMT or Firefighter I/II-EMT	\$23.00 / hr.
Paramedic or Firefighter I/II – Advanced EMT	\$25.00 / hr.
Firefighter I/II – Paramedic	\$27.00 / hr.

Details. On any occasion that the Fire Chief determines that public safety is at risk (fire watches, pyrotechnic displays, pyrotechnic blasting for construction, etc.) and calls for a detail consisting of a Firefighter or Firefighters [not covered by any other collective bargaining agreement] to stand-by during any of these situations to monitor for fire, explosion, or any other possible hazard, the person or persons assigned to the detail will be compensated in the following manner:

\$50.00 per hour

\$56.00 per hour/ for week-end or holiday

SCHEDULE E: MISCELLANEOUS ANNUAL COMPENSATION SCHEDULE

Cemetery Agent .....	\$8,000
Clerk, Board of Registrars .....	\$1,638.33
Emergency Management Coordinator .....	\$2,000
Energy Management Stipend .....	\$6,000
Registrar of Voters .....	\$205.66
Tree Warden .....	\$4,000
Veterans' Agent and Director of Veterans' Services .....	\$15,000

SCHEDULE F: FEE BASED COMPENSATION (Recreation Seasonal Personnel)

Camp Counselor .....	1
Program Aide (1:1 Support) .....	2
Program Supervisor .....	2
Camp Supervisor .....	3
Camp Assistant Supervisor .....	3
Assistant Coach .....	3
Head Coach .....	3

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Program Instructor .....4

Rates for Recreation Seasonal Personnel  
(Same as Schedule C)

Grade	Minimum		Maximum	
	Hourly	Annual*	Hourly	Annual*
1	\$11.44	\$23,802	\$14.56	\$30,288
2	\$12.48	\$25,964	\$17.69	\$36,795
3	\$18.73	\$38,957	\$26.02	\$54,111
4	\$22.89	\$47,604	\$32.25	\$67,083
5	\$29.13	\$60,597	\$43.69	\$90,885

*\*This represents the annualized rate if a Part-Time employee worked a 40 hour week; however, under this Bylaw, Part-Time employees work 20 hours or less per week.*

*Municipalities are subject to the federal minimum wage law, not the state law.*

**SCHEDULE G: SPECIAL ADMINISTRATIVE AND SUPERVISORY POSITIONS**

Police Lieutenant:

In addition to all the benefits provided employees under the SAP, he/she would be eligible for some additional benefits as provided members of Mass COP Local 167, the police union collective bargaining agreement.

As a result, a separate policy is adopted by the Southborough Board of Selectmen and enforced by the Southborough Police Department subject to change in conjunction with future collective bargaining agreements.

\*Increases in salary for long term employees will be considered case by case by Personnel Board.

**SCHEDULE H: LONGEVITY SCHEDULE: Full-Time Employees of Town of Southborough –Compensated annually on the anniversary of the employee’s Start Date**

After 5 years.....	\$400
After 10 years.....	\$600
After 15 years.....	\$700
After 20 years.....	\$850
After 25 years.....	\$1,000
After 30 years.....	\$1,200
After 40 years.....	\$1,500

, or do or act anything in relation thereto.

**Proposed by: PERSONNEL BOARD**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *The Personnel By-Law governs policies and pay structures for non-union employees.*

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**MOTION MADE:** That the Town approve changes to the Salary Administration Plan, as codified in Chapter 31 of the Code of the Town of Southborough, entitled: PERSONNEL, as printed in the warrant.

**MOTION PASSED.**

**ARTICLE 6:** To see if the Town will vote to transfer a sum of money between and among various accounts for the fiscal year ending June 30, 2021, or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation:** At Town Meeting

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *This article is intended to address any unexpected or unusual funding needs for the current fiscal year via transfers between accounts.*

**INDEFINITELY POSTPONED – COMBINED LIST**

**ARTICLE 7:** To see if the Town will vote to raise a sum of money as may be necessary for the Town's use for Fiscal Year 2022, and make appropriations of the same, as detailed following, or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Summary:** *See budget report including Advisory Committee and Board of Selectmen's FY22 recommendations. If the Advisory Committee recommendation differs from that of the Board of Selectmen, it shall be noted in that departmental budget.*

**MOTION MADE:** That the Town vote to raise a sum of money not to exceed the sum of **\$55,283,945** as may be necessary for the Town's use, and make appropriations of the same.

Transfer from the Cemetery Perpetual care	25,000.00
Transfer from Free Cash	1,400,293.00
Transfer from Overlay Reserve	272,031.00
Transfer from Ambulance Fund, Receipts Reserved (Fund 23)	411,000.00
Transfer from Septic Betterment Fund	30,078.00
Transfer from Reserve SBAB Fund Balance	4,017.00
Transfer from Water Enterprise Fund	204,695.00
Transfer from Fund 2261 "911 Revolving"	25,000.00

AND that the Balance of **\$52,911,831** be raised and appropriated.

**MOTION MADE:** To take an umbrella vote and pass all budgets not held.

The following budgets were held:

132 Reserve Fund

136 Audit

155 Technology

210 Police Department

512 Board of Health

691 Historical Commission

**MOTION PASSED.**

**AMENDMENT MADE:** I move to amend Article 7 by increasing budget 132 Reserve Fund from \$180,000 to \$190,000 and to reduce budget 512 Board of Health from \$153,657 to \$132,068 in Personnel Services, from \$80,624 to \$70,624 in Other Charges and Expenses, from \$234,281 to \$202,692 in total.

**AMENDMENT PASSED.**

**AMENDMENT MADE:** To reduce budget 136 Audit from \$52,515 to \$42,515.

**AMENDMENT FAILED.**

**MOTION MADE:** To approve budget 136 Audit as printed.

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**MOTION PASSED.**

**MOTION MADE:** To approve budget 155 Technology at \$469,285.

**MOTION PASSED.**

**MOTION MADE:** To approve budget 210 Police as printed.

**MOTION PASSED.**

**MOTION MADE:** To approve budget 691 Historical Commission as printed.

**MOTION PASSED.**

**MOTION MADE:** That the Town vote to raise a sum of money not to exceed the sum of **\$55,262,366** as may be necessary for the Town's use, and make appropriations of the same.

Transfer from the Cemetery Perpetual care	\$ 25,000.00
Transfer from Free Cash	1,400,293.00
Transfer from Fund 2261 "911 Revolving"	25,000.00
Transfer from Overlay Reserve	272,031.00
Transfer from Ambulance Fund, Receipts Reserved (Fund 23)	411,000.00
Transfer from Septic Betterment Fund	30,078.00
Transfer from Reserve SBAB Fund Balance	4,017.00
Transfer from Water Enterprise Fund	204,695.00

AND that the Balance of **\$52,890,242** be raised and appropriated.

**MOTION PASSED.**

**The following budgets were approved at the 2021 Annual Town Meeting.**

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**110-119 Legislative**

<b>BUDGET NAME</b>	<b>FY2019 ACTUAL</b>	<b>FY2020 ACTUAL</b>	<b>FY2021 BUDGET</b>	<b>FY2022 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>114 MODERATOR</b>						
51000-51990 Personal Services	50	50	50			
52000-58990 Other Charges and Expenses	0		25	100	100	
<b>MODERATOR TOTAL</b>	<b>50</b>	<b>50</b>	<b>75</b>	<b>100</b>	<b>100</b>	<b>33.33%</b>

**120-129 Executive**

<b>BUDGET NAME</b>	<b>FY2019 ACTUAL</b>	<b>FY2020 ACTUAL</b>	<b>FY2021 BUDGET</b>	<b>FY2022 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>121 ELECTED BOARD OF SELECTMEN</b>						
51000-51990 Personal Services	3,800	3,200	4,000	4,000	4,000	
<b>ELECTED BOARD OF SELECTMEN TOTAL</b>	<b>3,800</b>	<b>3,200</b>	<b>4,000</b>	<b>4,000</b>	<b>4,000</b>	<b>0.00%</b>

<b>BUDGET NAME</b>	<b>FY2019 ACTUAL</b>	<b>FY2020 ACTUAL</b>	<b>FY2021 BUDGET</b>	<b>FY2022 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>122 BOARD OF SELECTMEN</b>						
51000-51990 Personal Services	381,878	399,825	393,802	413,517	413,517	
52000-58990 Other Charges and Expenses	74,567	45,715	58,488	46,413	46,413	
<b>BOARD OF SELECTMEN TOTAL</b>	<b>456,445</b>	<b>445,540</b>	<b>452,290</b>	<b>459,930</b>	<b>459,930</b>	<b>1.69%</b>

**130-149 Financial Administration**

<b>BUDGET NAME</b>	<b>FY2019 ACTUAL</b>	<b>FY2020 ACTUAL</b>	<b>FY2021 BUDGET</b>	<b>FY2022 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>131 ADVISORY COMMITTEE</b>						
52000-58990 Other Charges and Expenses	180	730	2,500	3,500	3,500	
<b>ADVISORY COMMITTEE TOTAL</b>	<b>180</b>	<b>730</b>	<b>2,500</b>	<b>3,500</b>	<b>3,500</b>	<b>40.00%</b>

<b>BUDGET NAME</b>	<b>FY2019 ACTUAL</b>	<b>FY2020 ACTUAL</b>	<b>FY2021 BUDGET</b>	<b>FY2022 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>132 RESERVE FUND</b>						
52000-58990 Other Charges and Expenses	152,853	151,422	180,000	190,000	180,000	
<b>RESERVE FUND TOTAL</b>	<b>152,853</b>	<b>151,422</b>	<b>180,000</b>	<b>190,000</b>	<b>180,000</b>	<b>0.00%</b>

**Budget amended at TM.**

**New budget \$190,000.**

<b>BUDGET NAME</b>	<b>FY2019 ACTUAL</b>	<b>FY2020 ACTUAL</b>	<b>FY2021 BUDGET</b>	<b>FY2022 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>135 TOWN ACCOUNTANT</b>						
51000-51990 Personal Services	143,345	148,588	168,755	157,966	157,966	
52000-58990 Other Charges and Expenses	3,473	778	1,880	2,820	2,820	
<b>TOWN ACCOUNTANT TOTAL</b>	<b>146,818</b>	<b>149,366</b>	<b>170,635</b>	<b>160,786</b>	<b>160,786</b>	<b>-5.77%</b>

	<b>FY2019</b>	<b>FY2020</b>	<b>FY2021</b>	<b>FY2022</b>	<b>BOS/ADV</b>	<b>Percent</b>
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BUDGET NAME	ACTUAL	ACTUAL	BUDGET	REQUEST	RECOMM	Inc./Decr.
<b>136 AUDIT</b>						
52000-58990 Other Charges and Expenses	26,000	34,350	28,010	52,515	52,515	
AUDIT TOTAL	26,000	34,350	28,010	52,515	52,515	87.49%

BUDGET NAME	FY2019 ACTUAL	FY2020 ACTUAL	FY2021 BUDGET	FY2022 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>140 ELECTED BOARD OF ASSESSORS</b>						
51000-51990 Personal Services	2,250	2,250	2,250	2,250	2,250	
ELECTED BOARD OF ASSESSORS TOTAL	2,250	2,250	2,250	2,250	2,250	0.00%

BUDGET NAME	FY2019 ACTUAL	FY2020 ACTUAL	FY2021 BUDGET	FY2022 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>141 ASSESSORS</b>						
51000-51990 Personal Services	171,757	176,680	180,764	186,198	186,198	
52000-58990 Other Charges and Expenses	33,273	34,481	55,045	56,050	56,050	
ASSESSORS TOTAL	205,030	211,160	235,809	242,248	242,248	2.73%

BUDGET NAME	FY2019 ACTUAL	FY2020 ACTUAL	FY2021 BUDGET	FY2022 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>145 TREASURER/COLLECTOR</b>						
51000-51990 Personal Services	204,732	213,007	220,702	226,366	226,366	
52000-58990 Other Charges and Expenses	12,152	9,030	8,894	8,970	8,970	
TREASURER/COLLECTOR TOTAL	216,884	222,037	229,596	235,336	235,336	2.50%

**150-159 Operations Support**

BUDGET NAME	FY2019 ACTUAL	FY2020 ACTUAL	FY2021 BUDGET	FY2022 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>151 LEGAL</b>						
52000-58990 Other Charges and Expenses	100,000	106,725	95,000	95,000	95,000	
LEGAL TOTAL	100,000	106,725	95,000	95,000	95,000	0.00%

BUDGET NAME	FY2019 ACTUAL	FY2020 ACTUAL	FY2021 BUDGET	FY2022 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>152 PERSONNEL BOARD</b>						
51000-51990 Personal Services	1,369	3,000	5,000	5,000	5,000	
52000-58990 Other Charges and Expenses	7,397	4,388	16,700	8,350	8,350	
PERSONNEL BOARD TOTAL	8,766	7,388	21,700	13,350	13,350	-38.48%

	FY2019	FY2020	FY2021	FY2022	BOS/ADV	Percent
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BUDGET NAME	ACTUAL	ACTUAL	BUDGET	REQUEST	RECOMM	Inc./Decr.
<b>153 SPECIAL LEGAL COUNSEL</b>						
52000-58990 Other Charges and Expenses	54,688	51,676	50,000	50,000	50,000	
SPECIAL LEGAL COUNSEL TOTAL	54,688	51,676	50,000	50,000	50,000	0.00%

BUDGET NAME	FY2019 ACTUAL	FY2020 ACTUAL	FY2021 BUDGET	FY2022 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>154 MUNICIPAL TECHNOLOGY COMMITTEE</b>						
52000-58990 Other Charges and Expenses	0	0	1,000	1,000	1,000	
MUNI. TECHNOLOGY COMMITTEE TOTAL	0	0	1,000	1,000	1,000	0.00%

BUDGET NAME	FY2019 ACTUAL	FY2020 ACTUAL	FY2021 BUDGET	FY2022 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>155 TECHNOLOGY</b>						
51000-51990 Personal Services	96,446	99,615	128,745	196,000	196,000	
52000-58990 Other Charges and Expenses	214,351	287,560	220,474	273,285	273,285	
MANAGEMENT INFORMATION SYSTEMS TOTAL	310,797	387,175	349,219	469,285	469,285	34.38%

BUDGET NAME	FY2019 ACTUAL	FY2020 ACTUAL	FY2021 BUDGET	FY2022 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>159 OTHER OPERATION SUPPORT</b>						
52000-58990 Other Charges and Expenses	352,868	380,965	400,000	416,690	416,690	
OTHER OPERATION SUPPORT TOTAL	352,868	380,965	400,000	416,690	416,690	4.17%

**160-169 Licensing and Registration**

BUDGET NAME	FY2019 ACTUAL	FY2020 ACTUAL	FY2021 BUDGET	FY2022 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>160 ELECTED TOWN CLERK</b>						
51000-51990 Personal Services	83,064	83,064	87,695	90,151	90,151	
TOWN CLERK TOTAL	83,064	83,064	87,695	90,151	90,151	2.80%

BUDGET NAME	FY2019 ACTUAL	FY2020 ACTUAL	FY2021 BUDGET	FY2022 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>161 TOWN CLERK</b>						
51000-51990 Personal Services	124,516	119,683	131,246	111,465	111,465	
52000-58990 Other Charges and Expenses	83,269	55,455	48,267	44,010	44,010	
TOWN CLERK TOTAL	207,785	175,138	179,513	155,475	155,475	-13.39%

**170-189 Land Use and Development**

	FY2019	FY2020	FY2021	FY2022	BOS/ADV	Percent
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<b>BUDGET NAME</b>	<b>ACTUAL</b>	<b>ACTUAL</b>	<b>BUDGET</b>	<b>REQUEST</b>	<b>RECOMM</b>	<b>Inc./Decr.</b>
<b>171 CONSERVATION COMMISSION</b>						
51000-51990 Personal Services	55,115	68,891	70,252	72,283	72,283	
52000-58990 Other Charges and Expenses	13,886	20,836	31,235	36,265	36,265	
CONSERVATION COMMISSION TOTAL	69,001	89,728	101,487	108,548	108,548	6.96%

<b>BUDGET NAME</b>	<b>FY2019 ACTUAL</b>	<b>FY2020 ACTUAL</b>	<b>FY2021 BUDGET</b>	<b>FY2022 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>175 PLANNING BOARD</b>						
51000-51990 Personal Services	109,691	137,001	143,668	147,744	147,744	
52000-58990 Other Charges and Expenses	41,236	21,333	27,720	28,120	28,120	
PLANNING BOARD TOTAL	150,927	158,334	171,388	175,864	175,864	2.61%

<b>BUDGET NAME</b>	<b>FY2019 ACTUAL</b>	<b>FY2020 ACTUAL</b>	<b>FY2021 BUDGET</b>	<b>FY2022 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>176 ZONING BOARD OF APPEALS</b>						
51000-51990 Personal Services	27,426	20,510	22,854	23,506	23,506	
52000-58990 Other Charges and Expenses	5,601	824	3,200	3,200	3,200	
ZONING BOARD OF APPEALS TOTAL	33,027	21,334	26,054	26,706	26,706	2.50%

<b>BUDGET NAME</b>	<b>FY2019 ACTUAL</b>	<b>FY2020 ACTUAL</b>	<b>FY2021 BUDGET</b>	<b>FY2022 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>177 OPEN SPACE</b>						
52000-58990 Other Charges and Expenses	1,500	1,964	2,000	2,000	2,000	
OPEN SPACE TOTAL	1,500	1,964	2,000	2,000	2,000	0.00%

<b>BUDGET NAME</b>	<b>FY2019 ACTUAL</b>	<b>FY2020 ACTUAL</b>	<b>FY2021 BUDGET</b>	<b>FY2022 REQUEST</b>	<b>BOS RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>182 ECONOMIC DEVELOPMENT COMMITTEE</b>						
51000-51990 Personal Services	24,712	25,100	26,563	27,416	27,416	
52000-58990 Other Charges and Expenses	9,263	3,136	14,900	14,900	14,900	
ECONOMIC DEVELOPMENT COMMITTEE TOTAL	33,975	28,236	41,463	42,316	42,316	2.06%

**190-199 Other**

<b>BUDGET NAME</b>	<b>FY2019 ACTUAL</b>	<b>FY2020 ACTUAL</b>	<b>FY2021 BUDGET</b>	<b>FY2022 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>192 PUBLIC BUILDINGS AND PROPERTIES MAINTENANCE</b>						
51000-51990 Personal Services	311,905	333,026	367,668	377,886	377,886	
52000-58990 Other Charges and Expenses	222,279	170,962	180,246	205,550	205,550	
PUBLIC BLDGS. & PROPERTY MAINT. TOTAL	534,184	503,988	547,914	583,436	583,436	6.48%

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<b>BUDGET NAME</b>	<b>FY2019 ACTUAL</b>	<b>FY2020 ACTUAL</b>	<b>FY2021 BUDGET</b>	<b>FY2022 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>193 PUBLIC ACCESSIBILITY COMMITTEE</b>						
51000-51990 Personal Services	0	0	0	0	0	
52000-58990 Other Charges and Expenses	0	0	2,500	2,500	2,500	
<b>PUBLIC BLDGS. &amp; PROPERTY MAINT. TOTAL</b>	<b>0</b>	<b>0</b>	<b>2,500</b>	<b>2,500</b>	<b>2,500</b>	<b>0.00%</b>

**200-299 PUBLIC SAFETY**

<b>BUDGET NAME</b>	<b>FY2019 ACTUAL</b>	<b>FY2020 ACTUAL</b>	<b>FY2021 BUDGET</b>	<b>FY2022 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>210 POLICE DEPARTMENT</b>						
51000-51990 Personal Services	1,912,130	1,987,889	2,183,710	2,335,472	2,335,472	
52000-58990 Other Charges and Expenses	134,101	133,034	130,400	151,124	151,124	
<b>POLICE DEPARTMENT TOTAL</b>	<b>2,046,231</b>	<b>2,120,924</b>	<b>2,314,110</b>	<b>2,486,596</b>	<b>2,486,596</b>	<b>7.45%</b>

<b>BUDGET NAME</b>	<b>FY2019 ACTUAL</b>	<b>FY2020 ACTUAL</b>	<b>FY2021 BUDGET</b>	<b>FY2022 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>220 FIRE DEPARTMENT</b>						
51000-51990 Personal Services	1,941,336	1,990,988	2,091,759	2,126,887	2,126,887	
52000-58990 Other Charges and Expenses	210,404	213,769	215,150	251,136	251,136	
<b>FIRE DEPARTMENT TOTAL</b>	<b>2,151,740</b>	<b>2,204,758</b>	<b>2,306,909</b>	<b>2,378,023</b>	<b>2,378,023</b>	<b>3.08%</b>

<b>BUDGET NAME</b>	<b>FY2019 ACTUAL</b>	<b>FY2020 ACTUAL</b>	<b>FY2021 BUDGET</b>	<b>FY2022 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>241 BUILDING DEPARTMENT</b>						
51000-51990 Personal Services	114,742	145,928	149,584	153,546	153,546	
52000-58990 Other Charges and Expenses	39,200	3,352	7,425	10,925	10,925	
<b>BUILDING DEPARTMENT TOTAL</b>	<b>153,942</b>	<b>149,280</b>	<b>157,009</b>	<b>164,471</b>	<b>164,471</b>	<b>4.75%</b>

<b>BUDGET NAME</b>	<b>FY2019 ACTUAL</b>	<b>FY2020 ACTUAL</b>	<b>FY2021 BUDGET</b>	<b>FY2022 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>291 CIVIL DEFENSE</b>						
51000-51990 Personal Services	2,926	2,926	2,926	2,926	2,926	
52000-58990 Other Charges and Expenses	6,422	8,224	7,092	7,225	7,225	
<b>CIVIL DEFENSE TOTAL</b>	<b>9,348</b>	<b>11,150</b>	<b>10,018</b>	<b>10,151</b>	<b>10,151</b>	<b>1.33%</b>

<b>BUDGET NAME</b>	<b>FY2019 ACTUAL</b>	<b>FY2020 ACTUAL</b>	<b>FY2021 BUDGET</b>	<b>FY2022 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>292 ANIMAL CONTROL OFFICER AND ANIMAL INSPECTOR</b>						
52000-58990 Other Charges and Expenses	27,592	27,752	28,490	28,490	28,490	
<b>ANIMAL CONTROL OFF. &amp; ANIMAL INSP. TOTAL</b>	<b>27,592</b>	<b>27,752</b>	<b>28,490</b>	<b>28,490</b>	<b>28,490</b>	<b>0.00%</b>

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**400-499 PUBLIC WORKS & FACILITIES**

BUDGET NAME	FY2019 ACTUAL	FY2020 ACTUAL	FY2021 BUDGET	FY2022 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>400, 420 DEPT. OF PUBLIC WORKS</b> (Highway, Cemetery, Tree)						
51000-51990 Personal Services	916,585	913,865	1,000,555	1,019,717	1,019,717	
52000-58990 Other Charges and Expenses	1,330,150	1,356,841	1,389,820	1,472,750	1,472,750	
DEPT. OF PUBLIC WORKS TOTAL	2,246,735	2,270,707	2,390,375	2,492,467	2,492,467	4.27%

**500-599 HUMAN SERVICES**

BUDGET NAME	FY2019 ACTUAL	FY2020 ACTUAL	FY2021 BUDGET	FY2022 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>510 ELECTED BOARD OF HEALTH</b>						
51000-51990 Personal Services	0	0	450	450	450	
ELECTED BOARD OF HEALTH TOTAL	0	0	450	450	450	0.00%

BUDGET NAME	FY2019 ACTUAL	FY2020 ACTUAL	FY2021 BUDGET	FY2022 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>512 BOARD OF HEALTH</b>						
51000-51990 Personal Services	106,820	112,380	112,887	<b>132,068</b>	AT	
52000-58990 Other Charges and Expenses	54,262	49,997	57,830	<b>70,624</b>	TOWN	
BOARD OF HEALTH TOTAL	161,082	162,377	170,717	<b>202,692</b>	MEETING*	37.23%
<b>Budget amended at TM.</b> From \$153,657 to \$ 132,068 in Personnel Services, from \$80,624 to \$70,624 in Other Charges and Expenses, and from \$234,281 to \$202,692 in total.						

\*BOS/Advisory do not support the requested budget. Recommendations from BOS and Advisory will be made at Town Meeting.

BUDGET NAME	FY2019 ACTUAL	FY2020 ACTUAL	FY2021 BUDGET	FY2022 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>541 COUNCIL ON AGING</b>						
51000-51990 Personal Services	258,083	261,078	277,842	288,027	288,027	
52000-58990 Other Charges and Expenses	57,881	31,778	58,785	59,815	59,815	
COUNCIL ON AGING TOTAL	315,964	292,857	336,627	347,842	347,842	3.33%

BUDGET NAME	FY2019 ACTUAL	FY2020 ACTUAL	FY2021 BUDGET	FY2022 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>542 YOUTH COMMISSIONON</b>						
51000-51990 Personal Services	141,070	179,325	223,826	237,498	247,498	
52000-58990 Other Charges and Expenses	9,072	7,086	14,292	12,500	12,500	
COUNCIL ON AGING TOTAL	150,142	186,411	238,111	249,998	249,998	4.99%

	FY2019	FY2020	FY2021	FY2022	BOS/ADV	Percent
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BUDGET NAME	ACTUAL	ACTUAL	ACTUAL	REQUEST	RECOMM	Inc./Decr.
<b>543 VETERANS' SERVICES</b>						
51000-51990 Personal Services	15,000	15,000	15,000	15,000	15,000	
52000-58990 Other Charges and Expenses	24,319	17,370	20,845	20,845	20,845	
VETERANS' SERVICES TOTAL	39,319	32,370	35,845	35,845	35,845	0.00%

**600-699 CULTURE & RECREATION**

BUDGET NAME	FY2019 ACTUAL	FY2020 ACTUAL	FY2021 BUDGET	FY2022 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>610 LIBRARY</b>						
51000-51990 Personal Services	383,123	401,122	425,177	437,098	437,098	
52000-58990 Other Charges and Expenses	137,402	126,815	131,445	136,231	136,231	
LIBRARY TOTAL	520,525	527,936	556,622	573,329	573,329	3.00%

BUDGET NAME	FY2019 ACTUAL	FY2020 ACTUAL	FY2021 BUDGET	FY2022 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>630 RECREATION COMMISSION</b>						
51000-51990 Personal Services	124,478	127,881	138,362	143,280	143,280	
52000-58990 Other Charges and Expenses	9,900	12,681	9,900	10,258	10,258	
RECREATION COMMISSION TOTAL	134,378	140,562	148,262	153,538	153,538	3.56%

BUDGET NAME	FY2019 ACTUAL	FY2020 ACTUAL	FY2021 BUDGET	FY2022 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>691 HISTORICAL COMMISSION</b>						
52000-58990 Other Charges and Expenses	3,500	2,460	2,500	3,362	3,362	
HISTORICAL COMMISSION TOTAL	3,500	2,460	2,500	3,362	3,362	34.48%

BUDGET NAME	FY2019 ACTUAL	FY2020 ACTUAL	FY2021 BUDGET	FY2022 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>692 MEMORIAL DAY</b>						
52000-58990 Other Charges and Expenses	2,432	3,147	3,000	3,150	3,150	
MEMORIAL DAY TOTAL	2,432	3,147	3,000	3,150	3,150	5.00%

**700-799 DEBT SERVICE**

BUDGET NAME	FY2019 ACTUAL	FY2020 ACTUAL	FY2021 BUDGET	FY2022 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>DEBT PRINCIPAL AND DEBT INTEREST</b>						
0100-710-59100 Principal General Fund	2,602,060	2,397,976	2,352,547	2,391,470	2,391,470	
0100-751-59150 Interest General Fund	575,634	915,970	1,003,977	933,652	933,652	
DEBT PRINCIPAL AND DEBT INTEREST TOTAL	3,177,694	3,313,946	3,356,524	3,325,122	3,325,122	-0.94%

**900-999 UNCLASSIFIED**

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BUDGET NAME	FY2019 ACTUAL	FY2020 ACTUAL	FY2021 BUDGET	FY2022 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>910 EMPLOYEE BENEFITS</b>						
51700 Police/Fire Accident and Workers' Comp.	231,685	236,745	243,223	249,368	249,368	
51710 Unemployment Payments	4,350	8,743	29,578	30,000	30,000	
51720 Health Insurance	4,611,357	4,941,289	5,207,585	5,283,905	5,283,905	
51730 Retirement Fund	1,777,093	1,958,833	2,170,625	2,321,536	2,321,536	
51740 Life Insurance	5,669	5,124	5,297	5,215	5,215	
51750 Flexible Spending Account	7,551	6,757	7,440	7,250	7,250	
51770 Medicare	347,606	357,372	375,970	378,579	378,579	
51780 Dental Insurance	225,444	217,860	236,306	248,964	248,964	
51785 Medicare B Penalty	17,644	17,985	17,750	17,040	17,040	
59660 Transfer to OPEB Trust	250,000	250,000	250,000	0	0	
EMPLOYEE BENEFITS TOTAL	7,478,399	8,000,708	8,543,774	8,541,857	8,541,857	-0.02%

BUDGET NAME	FY2019 ACTUAL	FY2020 ACTUAL	FY2021 BUDGET	FY2022 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>930 BUDGET CAPITAL</b>						
<i>POLICE: CRUISERS (2)</i>						
<i>LIBRARY: NEW ROOF (ENG &amp; INSTALLATION)</i>						
<i>POLICE: TASER PROGRAM</i>			49,507			
<i>BUILDING: INSPECTOR VEHICLE</i>						
<i>FIRE: CHIEF VEHICLE C20</i>						
<i>DPW: TREE MAINT FUNDING</i>						
<i>DPW: EQUIPMENT TRAILER 2006 REPLACEMENT</i>						
52000-58990 Other Charges and Expenses	324,343	306,350				
BUDGET CAPITAL TOTAL	324,343	306,350	49,507	0	0	-100.00%

BUDGET NAME	FY2019 ACTUAL	FY2020 ACTUAL	FY2021 BUDGET	FY2022 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>941 COURT JUDGMENTS</b>						
57600 Court Judgments	220,659	223,108	225,000	229,900	229,900	
COURT JUDGMENTS TOTAL	220,659	223,108	225,000	229,900	229,900	2.18%

BUDGET NAME	FY2019 ACTUAL	FY2020 ACTUAL	FY2021 BUDGET	FY2022 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>945 LIABILITY INSURANCE</b>						
52000-58990 Other Charges and Expenses	267,230	273,629	284,595	297,402	297,402	
LIABILITY INSURANCE TOTAL	267,230	273,629	284,595	297,402	297,402	4.50%

BUDGET NAME	FY2019 ACTUAL	FY2020 ACTUAL	FY2021 BUDGET	FY2022 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
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<b>300 ELECTED SCHOOL COMMITTEE</b>						
51000-51990 Personal Services	500	100	500	500	500	
ELECTED SCHOOL COMMITTEE						
TOTAL	500	100	500	500	500	0.00%

BUDGET NAME	FY2019 ACTUAL	FY2020 ACTUAL	FY2021 BUDGET	FY2022 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>301 SOUTHBOROUGH SCHOOLS</b>						
<b>REGULAR DAY PROGRAMS</b>						
Administration	610,997	642,676	689,509	719,453	719,453	
Instruction	10,978,287	11,310,744	11,465,585	11,987,962	11,987,962	
Other Student Services	845,086	826,273	834,340	868,543	868,543	
Operation and Maintenance Buildings	1,691,826	1,680,550	1,596,094	1,692,794	1,692,794	
Fixed Charges	4,100	4,100	4,100	2,150	2,150	
Contractual Obligation	0	0				
REGULAR DAY PROGRAMS TOTAL	14,130,296	14,464,343	14,589,628	15,270,902	15,270,902	
<b>SPECIAL EDUCATION PROGRAMS</b>						
Administration	17,800	18,500	18,000	18,500	18,500	
Instruction	4,631,617	4,886,531	4,898,567	5,028,610	5,028,610	
Other Student Services	510,608	578,500	445,000	506,000	506,000	
Operation and Maintenance Buildings	4,500	5,000	4,000	4,000	4,000	
Programs, Other Systems in Massachusetts	1,111,165	868,000	1,190,600	818,362	818,362	
Programs, Member of Collaborative	0	0	90,680	88,060	88,060	
SPECIAL EDUCATION TOTAL	6,275,690	6,356,531	6,646,847	6,463,532	6,463,532	
<b>GRAND TOTAL OPERATING BUDGET</b>	<b>20,405,986</b>	<b>20,820,874</b>	<b>21,236,475</b>	<b>21,734,434</b>	<b>21,734,434</b>	<b>2.34%</b>

BUDGET NAME	FY2019 ACTUAL	FY2020 ACTUAL	FY2021 BUDGET	FY2022 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
<b>302 ALGONQUIN REGIONAL HIGH SCHOOL</b>						



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<b>REGULAR DAY PROGRAMS</b>						
Administration	663,443	688,349	744,395	788,415	788,415	
Instruction	11,509,251	11,440,824	11,613,305	11,871,456	11,871,456	
Other Student Services	2,003,707	2,029,191	2,023,745	2,034,337	2,034,337	
Operation and Maintenance Buildings	1,702,050	1,736,088	1,768,150	1,814,368	1,814,368	
Fixed Charges	3,620,778	3,875,748	4,049,667	4,274,119	4,274,119	
New Equipment	155,200	26,000	16,500	0	0	
Tuition, Other Public Schools	290,000	290,000	240,000	240,000	240,000	
Contractual Obligation	0	0	0	0	0	
<b>REGULAR DAY PROGRAMS TOTAL</b>	<b>19,944,429</b>	<b>20,086,200</b>	<b>20,455,762</b>	<b>21,022,695</b>	<b>21,022,695</b>	
<b>SPECIAL EDUCATION PROGRAMS</b>						
Administration	9,300	16,800	17,300	18,600	18,600	
Instruction	2,271,114	2,504,494	2,794,608	2,852,854	2,852,854	
Other Student Services	251,280	253,780	259,280	260,280	260,280	
Operation and Maintenance Buildings	2,000	2,000	2,000	2,000	2,000	
Fixed Charges	1,595	1,595	1,595	1,595	1,595	
Programs, Other Systems in Massachusetts	479,180	840,979	424,279	813,679	813,679	
Programs, Member of Collaborative	124,060	69,600	177,256	5,000	5,000	
<b>SPECIAL EDUCATION TOTAL</b>	<b>3,138,529</b>	<b>3,689,248</b>	<b>3,676,318</b>	<b>3,954,008</b>	<b>3,954,008</b>	
<b>GRAND TOTAL OPERATING BUDGET</b>	<b>23,082,958</b>	<b>23,775,448</b>	<b>24,132,080</b>	<b>24,976,703</b>	<b>24,976,703</b>	<b>3.50%</b>

	<b>NON</b>			<b>Percent</b>
	<b>EXEMPT</b>	<b>EXEMPT</b>	<b>TOTAL</b>	<b>Inc./Decr.</b>
<b>FY 2021 SOUTHBOROUGH ASSESSMENT</b>	<b>7,541,363</b>	<b>397,404</b>	<b>7,938,767</b>	<b>2.21%</b>

<b>BUDGET NAME</b>	<b>FY2019 ACTUAL</b>	<b>FY2020 ACTUAL</b>	<b>FY2021 BUDGET</b>	<b>FY2022 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>304 ASSABET VALLEY REGIONAL TECH HIGH SCHOOL</b>						
Southborough Operating Assessment	329,255	293,357	349,405	400,969	400,969	
Renovation Project - Capital Assessment	38,417	37,405	36,393	35,381	35,381	
<b>SOUTHBOROUGH ASSESSMENT</b>	<b>367,672</b>	<b>330,762</b>	<b>385,798</b>	<b>436,350</b>	<b>436,350</b>	<b>13.10%</b>

<b>BUDGET NAME</b>	<b>FY2019 ACTUAL</b>	<b>FY2020 ACTUAL</b>	<b>FY2021 BUDGET</b>	<b>FY2022 REQUEST</b>	<b>BOS/ADV RECOMM</b>	<b>Percent Inc./Decr.</b>
<b>305 NORFOLK COUNTY</b>						

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<b>AGRICULTURAL HIGH SCHOOL</b>						
Tuition/Transportation Assessment	0	0	44,634	44,634	44,634	
NORFOLK COUNTY						
AGRICULTURAL HIGH SCHOOL						
TOTAL	0	0	44,634	44,634	44,634	0.00%

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**ARTICLE 8:** To see if the Town will vote to raise a sum of money as may be necessary for the Water Enterprise Fund's use for Fiscal Year 2022, and make appropriations of the same, as detailed following, or do or act anything in relation thereto.

BUDGET NAME	FY 2019	FY 2020	FY 2021	FY 2022	PERCENT
<b>WATER - PUBLIC WORKS</b>	<b>ACTUAL</b>	<b>ACTUAL</b>	<b>BUDGET</b>	<b>REQUEST</b>	<b>(+) or (-)</b>
51000-51990 Personal Services	339,522	352,225	355,405	368,506	
52000-58990 Other Charges & Expenses	1,229,247	1,307,495	1,341,950	1,855,950	
59100 Debt Principal Water	290,000	410,000	340,000	344,408	
59150 Debt Interest Water	107,604	135,978	142,490	111,526	
59510 Indirect Costs	90,000	131,239	160,847	204,695	
<u>Capital Equipment - Lease</u>					
Hook Lift Truck	-	-	-	9,169	
Pick-Up Diesel Truck F-350	-	-	-	10,697	
<b>TOTAL WATER - PUBLIC WORKS</b>	2,056,373	2,336,937	2,340,692	2,904,951	24.11%

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *The Water budget is funded through an Enterprise Fund that is supported entirely through the water rates, which supports all aspects of the department's operation. The first year of funding for those capital items that are being leased for use by the Water Department, in whole or in part, are included in this budget.*

Hook Lift Truck - This item will replace a 2002 version. This truck is critical to a variety of operations throughout the year. It was scheduled to be replaced in the last fiscal year in the event of a Fall Town Meeting. The truck that it is replacing is currently sitting idle and is no longer on the road and was not used during the last winter plow season. This portion represents the amount to come out of the water fund.

Pick-Up Diesel Truck F-350 - This item will replace a 2011 version of the same make/model. This truck is used by DPW water staff on a daily basis to carry out their duties

**MOTION MADE:** That \$2,700,256 be appropriated for the Water Enterprise Fund and that \$204,695 be included in appropriations from the General Fund for indirect costs and be allocated to the Water Enterprise Fund, and that \$2,904,951 be raised as follows: FY22 Revenues \$2,904,951.00

**MOTION PASSED.**

**ARTICLE 9:** To see if the Town will vote to raise and appropriate or transfer from available funds, the sum of \$250,000 into the Other Post-Employment Benefits Liability Trust Fund (OPEB Fund) as authorized by General Laws, Chapter 32B, Section 20, in order to offset the anticipated future cost of providing post-retirement health and life insurance benefits to current and future retired Town employees, or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *This is an annual appropriation into the Town's OPEB Trust Fund that began back in 2014. The appropriation was previously done as part of the operating budget, but further guidance from the Dept. of Revenue has recommended that it be done in a separate article. The funding amount has been the same each year since 2015, and is not changing for FY22.*

**PASSED – CONSENT LIST.**

**ARTICLE 10:** To see if the Town will vote to raise and appropriate, or transfer from available funds a sum of money for General Government capital items for the following purposes:

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	Description	Request	Levy	Other Funds
A.	LIBRARY: Interior Renovations, Floor Coverings and Painting	\$115,000	\$115,000	
B.	TOWN HOUSE: Bathroom Renovation	\$ 40,000	\$ 40,000	
C.	DPW: Chipper	\$ 30,000	\$ 30,000	
D.	DPW: Equipment Trailer Replacement	\$ 12,000	\$ 12,000	
E.	DPW: Road Maintenance	\$325,000	\$325,000	
F.	FIRE: Thermal Imaging Cameras	\$ 30,000	\$ 30,000	
G.	FIRE: Fire Hose & Nozzle Replacement	\$ 20,000	\$ 20,000	
H.	FIRE: Turnout Gear Fund	\$ 40,000	\$ 40,000	
I.	INFORMATION TECHNOLOGY: Server and Storage	\$ 40,000	\$ 40,000	
J.	POLICE: Defibrillators	\$ 18,200	\$ 18,200	
K.	POLICE: Police Cruisers (2)	\$101,000	\$101,000	

, or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:**

*A. This item will provide the funds needed to replace various sections of floor coverings installed in the late 1980's, repaint interior walls, and make upgrades to interior finish surfaces on the upper level of the Southborough Library;*

*B. This item will provide the funds needed for the purpose of renovating the men's and/or women's restroom at the Southborough Town House. Elements of renovation work will include tile replacement, installation of new privacy components, and plumbing upgrades in the subject restroom, which has not had any major betterments for over 40 years;*

*C. This item will replace a chipper that is beyond its useful life. The chipper is used in both emergency and non-emergency situations by DPW crews;*

*D. This item will replace an equipment trailer purchased in 2006. The current trailer no longer meets the standards needed to carry the weight of the equipment towed around on the trailer;*

*E. These funds are for public roadway, sidewalks and walkway maintenance, repair and construction throughout town. These are expended in conjunction with Chapter 90 roadway improvement funding from the Commonwealth;*

*F. This item will replace two (2) thermal imaging cameras carried on the fire department pumpers. These cameras are the end of their life expectancy and are critical to firefighting operations to protect life and property;*

*G. This item will replace miscellaneous fire hose and nozzles carried on the department's fire apparatus that is beyond its life expectancy or has failed during regular maintenance checks. This is part of an ongoing maintenance of the equipment. On average, this is replacing items that are 15 – 20 years old.*

*H. These funds will be used to fund an initial contribution for new and replacement fire turnout gear. These funds are anticipated to cover approximately ten full sets of turnout gear that will reach the end of their useful life in the next fiscal year. Funds expended from this item will be approved by the Capital Planning Committee based on recommendations from the Fire Chief;*

*I. These funds will cover any onsite or cloud infrastructure needs for municipal IT as part of a formal plan developed by the IT Manager and Municipal Technology Committee;*

*J. This item is for the replacement of ten (10) portable defibrillator units that are located in each of the marked patrol vehicles. The current units were purchased in 2008, and are well past their useful life expectancy of ten years;*

*K. This item is for the replacement of two front line cruisers nearing or over 100,000 miles (2016 Ford Taurus currently 92,088 miles, 2016 Ford Explorer currently 109,110 miles). They will be replaced with a 2021 Ford Police Interceptor Utility AWD Hybrid, and a 2021 Dodge Charger AWD gas engine. The hybrid model is eligible for Green Communities funds, which if awarded would defray the purchase price by \$5,000. The anticipated gas savings with the hybrid model is \$3,179, according to the manufacturer.*

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**MOTION MADE:** That the Town raise and appropriate:

- \$115,000 for Library Interior renovations;
- \$40,000 for Town House bathroom renovations;
- \$30,000 for a DPW Chipper;
- \$12,000 for a DPW Equipment trailer;
- \$325,000 for DPW Road Maintenance;
- \$30,000 for Fire Thermal Imaging cameras;
- \$20,000 for Fire hose & nozzle replacement;
- \$40,000 for Fire turnout gear fund;
- \$18,200 for Police defibrillators; and
- \$101,000 for Police cruisers

**AMENDMENT MADE:** To strike \$40,000 for Fire turnout gear and \$18,200 for Police defibrillators.

**AMENDMENT PASSED.**

**AMENDMENT MADE:** To strike \$101,000 for Police cruisers **FAILED.**

**MOTION AS AMENDMENT PASSED.**

**ARTICLE 11:** To see if the Town will vote to appropriate a sum of money to pay costs of acquiring all or a portion of the following equipment and to see if this appropriation shall be met by borrowing or otherwise, and/or authorize, under General Laws Chapter 30B, Chapter 44, Section 21C, upon the recommendation of the Board of Selectmen, the following lease purchase financing agreements for the acquisition of all or a portion of the following equipment that may be acquired through the issuance of debt under G.L. c. 44 or improvement of a capital asset the improvement of which may be financed by the issuance of debt under G.L. c. 44, the term of such agreement not to exceed the useful life of the equipment or improvement as determined by the Board of Selectmen, and to authorize the Town Administrator to enter into such agreements on behalf of the Town, and to approve appropriation for the first year payments of the agreements as stated below in the column "First Year Amount":

	Equipment	Authorized Department	Source of Appropriation	First Year Amount
A.	1 - Fire Tender 2,000 Gallon	Fire Department	FY22 Capital Budget - Ambulance Fund or Borrowing	\$61,127
B.	1 - Horton Type Ambulance	Fire Department	FY22 Capital Budget - Ambulance Fund	\$42,025
C.	1 - Swaploader Hook Lift Truck	Dept. of Public Works	FY22 Capital Budget - General Fund	\$25,215
D.	1 - Pick Up Diesel F-350	Dept. of Public Works	FY22 Capital Budget - General Fund	\$10,697
E.	1 - Fire Dept Chief Vehicle	Fire Department	FY22 Capital Budget - General Fund	\$9,169

, or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:**

*A. This item will add a Fire Tender that is capable of carrying 2,000 gallons of water to a fire scene. This is a newly proposed vehicle for the Department that will be used both in areas of town without hydrants, but also supplement operations in areas with hydrants. The Department is also seeking a grant for the acquisition of this asset. The request originated after a full operational review of the Fire Department by the Chief.*

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*B. This item will replace a 2014 Ambulance that is used in rotation with a 2nd ambulance. This ambulance responds to approximately 500 emergencies a year. Due to the long lead time to manufacture these vehicles, this ambulance is being requested now to avoid costly repairs on the 2014 Ambulance.*

*C. This item will replace a 2002 version. This truck is critical to a variety of operations throughout the year. It was scheduled to be replaced in the last fiscal year in the event of a Fall Town Meeting. The truck that it is replacing is currently sitting idle and is no longer on the road and was not used during the last winter plow season. This portion represents the amount to come out of the general fund.*

*D. This item will replace a 2008 version of the same make/model. This truck is used by DPW staff on a daily basis to carry out their duties.*

*E. This item will replacement of a Fire Department SUV to be utilized by the Fire Chief. The current vehicle is a 2013 Ford Explorer which will be retained to replace the Facilities Director's vehicle (2003 Ford Crown Victoria). The Fire Department SUV is used for department business, emergency response, and as a mobile incident command post. This item will purchase and appropriately equip a Chevrolet Tahoe 4-wheel drive SUV or equivalent.*

**MOTION MADE:** That the Town vote to:

(i) appropriate \$400,000 to pay costs of purchasing a Fire Tender 2,000 Gallon, including costs incidental or related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under and pursuant to M.G.L. c. 44, §7(1), or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor. Any premiums received by the Town upon the sale of any bonds or notes issued pursuant to this vote, less any premium applied to the payment of costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; and

(ii) authorize, under General Laws Chapters 30B or Chapter 44, and upon the recommendation of the Board of Selectmen, lease purchase financing agreements for the acquisition of the following equipment that may be acquired through the issuance of debt under G.L. c. 44 or improvement of a capital asset the improvement of which may be financed by the issuance of debt under G.L. c. 44, the term of such agreement not to exceed the useful life of the equipment or improvement as determined by the Board of Selectmen, and to authorize the Town Administrator to enter into such agreements on behalf of the town, and to appropriate the amounts for the first year payments of the agreements as stated below in the column "First Year Amount":

Equipment	Authorized Department	Source of Appropriation	First Year Amount
1 - Horton Type Ambulance	Fire Department	FY22 Capital Budget - Ambulance Fund	\$42,025
1 - Swaploader Hook Lift Truck	Dept. of Public Works	FY22 Capital Budget - General Fund	\$25,215
1 - Pick Up Diesel F-350	Dept. of Public Works	FY22 Capital Budget - General Fund	\$10,697
1 - Fire Dept Chief Vehicle	Fire Department	FY22 Capital Budget - General Fund	\$9,169

**MOTION PASSED BY MODERATOR DECLARED 2/3 MAJORITY.**

**ARTICLE 12:** To see if the Town will vote to raise and appropriate the sum of \$5,000 for the purpose of paying the Town's share of casualty and other losses incurred to Town property and equipment which are not covered by insurance policies, or do or act anything in relation thereto.

**Proposed by:** BOARD OF SELECTMEN

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**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *This article will provide funds to be used to pay the deductible for property damage which is not covered by insurance.*

**PASSED – CONSENT LIST.**

**ARTICLE 13:** To see if the Town will vote to raise and appropriate, borrow and appropriate or transfer from available funds the sum of \$100,000 for the ongoing maintenance of capital equipment and systems associated with town buildings and facilities. The Town Facilities Manager shall recommend appropriate projects to the Town Administrator. The Town Administrator shall approve all expenditures under this article. The Town Facilities Manager shall report all funded projects to the Advisory Committee as requested, or do or act anything in relation thereto.

**Proposed by: BOARD OF SELECTMEN**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *This article will provide for the maintenance and repair of capital equipment and systems associated with the Town's buildings and facilities.*

**PASSED – CONSENT LIST.**

**ARTICLE 14:** To see if the Town will vote pursuant to Massachusetts General Laws, Chapter 44 § 53E ½ to authorize the following spending limits for Fiscal Year 2022:

1. Immunization/emergency dispensing clinic; \$12,000.
2. Inspectional services; \$100,000.
3. 9-11 Field Maintenance; \$100,000.
4. Wetland Protection; \$30,000.
5. Hazardous materials; \$75,000.
6. CPR classes; \$6,500.
7. Community garden; \$2,500.
8. Recreation programs; \$400,000.
9. Tobacco Control Program; \$4,000.
10. Golf Course maintenance; \$30,000.

, or do or act anything in relation thereto.

**Proposed by: BOARD OF HEALTH, BOARD OF SELECTMEN, RECREATION COMMISSION, AND CONSERVATION COMMISSION**

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *This article approves the annual spending limits for revolving funds that are now authorized by Town by-law.*

**PASSED – CONSENT LIST.**

**ARTICLE 15:** To see if the Town will vote to accept the report of the Community Preservation Committee for the FY 2022 Community Preservation Projected Receipts and act upon the recommendations of the Community Preservation Committee and to set aside for later expenditure, certain sums of money from the Community Preservation Fund established pursuant to Chapter 44B of the General Laws, as follows:

Estimated Surcharge Receipts (based on Town Treasurer's projections).....	\$386,300
State Match (projected FY2022 State match).....	\$ 75,275
FY2021 State Match Adjustment.....	\$ 49,976
Total Projected Revenue.....	\$511,551

**Set Aside- Open Space**

\$51,155 to be set aside, held in the Community Preservation Fund, and spent in FY2022 or later years for acquisition, creation or preservation of open space, and for the rehabilitation and/or restoration of open space acquired under the Community Preservation Act.

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**Set Aside – Historic Preservation**

\$51,155 to be set aside, held in the Community Preservation Fund, and spent in FY2022 or later years for the acquisition, preservation, rehabilitation and restoration of historic resources.

**Set Aside – Community Housing**

\$51,155 to be set aside, held in the Community Preservation Fund, and spent in FY2022 or later years for the creation, preservation and support of community housing, and for the rehabilitation and/or restoration of community housing acquired under the Community Preservation Act.

**Administrative Costs – Community Preservation Committee**

\$25,578 to defray the administrative and operating expenses of the Community Preservation Committee in FY2022 for the Community Preservation Fund

, or do or act anything in relation thereto.

**Proposed by:** COMMUNITY PRESERVATION COMMITTEE

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *The budget and set asides are an annual requirement under the Community Preservation Act.*

**PASSED – CONSENT LIST.**

**ARTICLE 16:** To see if the Town will vote to appropriate \$82,938 to be applied towards the bond for the Perpetual Preservation Restriction on 84 Main Street also known as the Burnett House for the purpose of Historic Preservation from the CPA FY2022 estimated CPA annual revenue. Said funds to be expended under the direction of the Community Preservation Committee and the Town Treasurer; or do or act anything in relation thereto.

**Proposed by:** COMMUNITY PRESERVATION COMMITTEE

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *This article is the Community Preservation Fund payment towards the FY2022 debt funding for the Preservation Restriction of 84 Main Street as approved at the 2016 Annual Town Meeting.*

**PASSED – CONSENT LIST.**

**ARTICLE 17:** To see if the Town will vote to appropriate \$13,033 towards FY21 Interest for the renovation and restoration of the Historic Southborough Library building from the Historic Reserve Fund; and to also vote to appropriate \$71,705 to be applied towards the FY22 bond payment for the renovation and restoration of the Historic Southborough Library building for the purpose of Historic Preservation. \$38,122 from the CPA Historic Preservation Reserve Fund and \$33,583 from the FY21 CPA Fund Balance. Said funds to be expended under the direction of the Community Preservation Committee and the Town Treasurer; or do or act anything in relation thereto.

**Proposed by:** COMMUNITY PRESERVATION COMMITTEE

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *This article is the Community Preservation Fund payment toward the debt funding for the renovation and restoration of the Historic Southborough Library as approved at the 2019 Annual Town Meeting.*

**PASSED – CONSENT LIST.**

**ARTICLE 18:** To see if the Town will vote to appropriate \$238,750 from the CPA Fund FY2021 Budgeted Reserve for the renovation and restoration of Kallander Field, located on Kallander Drive in Southborough (Parcel ID 56-0000-012-0) for recreation purposes as requested by the Recreation Department. This consists of \$210,100 in project costs and an additional \$28,650 in contingency funding. Contingency funds only available after approval of the CPC for unexpected costs unforeseen at the time of application. Project to be completed in conformance with details as presented to the members of the CPC and to be documented in the application and signed Memorandum of Understanding. Said funds to be expended under the direction of the Community Preservation Committee and the Town Treasurer; or do or act anything in relation thereto.

**Proposed by:** COMMUNITY PRESERVATION COMMITTEE

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support



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**Summary:** *Under the direction of the Recreation Director Tim Davis and the Southborough Recreation Department, said funds will be used to restore and renovate Kallander Field, to address significant drainage issues that plague the field.*

**MOTION MADE:** That the town vote to appropriate \$238,750 from the CPA Fund FY2021 Budgeted Reserve for the renovation and restoration of Kallander Field, located on Kallander Drive in Southborough (Parcel ID 56-0000-012-0), and as further printed in the warrant.

**MOTION PASSED.**

**ARTICLE 19:** To see if the Town will vote to appropriate \$300,000 for the restoration and preservation of the Historic St. Mark's Bell Tower located at 27 Main Street Southborough for Historic purposes. \$23,061.76 from the CPA Historic Preservation Reserve Fund and \$276,938.24 from FY21 CPA Fund Balance. Project to be completed in conformance with details as presented to the members of the CPC and to be documented in the application and signed Memorandum of Understanding. Said funds to be expended under the direction of the Community Preservation Committee and the Town Treasurer; or do or act anything in relation thereto.

**Proposed by:** COMMUNITY PRESERVATION COMMITTEE

**Board of Selectmen Recommendation:** At Town Meeting

**Advisory Committee Recommendation:** Not Support

**Summary:** *Under the direction of the St. Mark's Building Committee said funds will be used to restore and preserve the St. Marks Bell Tower in conformance with a Preservation Restriction held by the Massachusetts Historical Commission. The goal is to preserve St. Mark's Bell Tower for many future generations of Southborough residents to enjoy. Built in 1891 on land donated by Joseph Burnett, the tower has fallen into major disrepair over the years. Issues include water penetration, unevenly faced stones, cracked mortar joints, and stone slippage. Without restoration of the tower, the historic viewscape of our town will be forever changed. Satisfying the Community Preservation Act goal to preserve and maintain historic landmarks, this project would preserve the tower and keep its historical significance. St. Mark's Church is part of the Southborough Historical Commission project to add downtown Southborough to the State and National Register of Historic Places. The tower restoration project strictly falls under historic preservation and does not contain any religious depiction. This \$300,000 request is for partial funding of total project costs of \$565,000 with remainder raised by St. Mark's.*

**MOTION MADE:** That the Town vote to appropriate \$300,000 for the restoration and preservation of the Historic St. Mark's Bell Tower located at 27 Main Street Southborough for Historic purposes. \$23,061.76 from the CPA Historic Preservation Reserve Fund and \$276,938.24 from FY21 CPA Fund Balance. Project to be completed in conformance with details as presented to the members of the CPC and to be documented in the application and signed Memorandum of Understanding. Said funds to be expended under the direction of the Community Preservation Committee and the Town Treasurer.

**MOTION PASSED BY COUNTED VOTE: 83 AYE, 82 NAY.**

**ARTICLE 20:** To see if the Town will vote, pursuant to Mass. General Laws in Chapter 44, as amended, Chapter 44B, or any other enabling authority, to appropriate and borrow a sum of money not to exceed the amount of two million, thirty thousand dollars (\$2,030,000) for historic restoration of the Southborough Town House, including costs incidental or related thereto, for a period of twenty (20) years, excluding the term of any temporary loans issued and in anticipation therefor, and allow the Treasurer to apply the net premium and any accrued interest to the costs of the project and reduce the amount authorized to be borrowed for the project by like amount.

Additionally to appropriate two hundred eight thousand, two hundred eighty-four dollars (\$208,284) with one hundred ninety-two thousand, six hundred and nine dollars (\$192,609) from the FY22 estimated CPA annual revenues and fifteen thousand, six hundred seventy-five dollars (\$15,675) from the 2021 CPA Fund Balance for a total project cost of two million, two hundred thirty eight thousand, two hundred eighty four dollars (\$2,238,284) for historic preservation purposes.

This consists of \$1,986,644 for historic preservation /restoration project costs and \$251,640 contingency funding, for the Southborough Town House Exterior Preservation and Restoration Project, as requested by the Southborough Facilities Department for historic purposes. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44 §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

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And to further authorize the Board of Selectmen and/or a qualified Historical Organization with the Board of Selectmen's express approval to submit on behalf of the Town any and all applications deemed necessary for grants and/or reimbursements from The Commonwealth of Massachusetts or the United States and/or any other state or federal programs including those in aid of Historic Preservation and/or any others in any way connected with the scope of this article. Said gifts or grants to be deposited in the Historic Reserve Community Preservation Fund.

The Board of Selectmen is hereby directed to grant a Perpetual Preservation Restriction on the historical exterior and windows of the Town House Building, 17 Common Street, Southborough, MA 01772 to be recorded in conformance with the requirements of Massachusetts General Laws and to enter into all agreements and execute any and all instruments as may be necessary to effect said Perpetual Preservation Restriction. The cost of the Perpetual Preservation Restriction to be paid from funds from this appropriation and the holder of the Perpetual Preservation Restriction shall be approved by a majority vote of the Community Preservation Committee.

The Town of Southborough shall retain ownership of this building in perpetuity except as authorized by a vote of the citizens at a town election with a margin of 90% approval of the total ballots cast.

Project to be completed in conformance with details as presented to the members of the CPC and to be documented in the application and signed Memorandum of Understanding.

All of the work will comply with the Building and Architectural Access Board codes as applicable, the historic district review requirements, and The Secretary of the Interior's Standards for the Treatment of Historic Properties.

The Town shall prepare a draft Perpetual Preservation Restriction and submit the Perpetual Preservation Restriction to the MA Historical Commission no later than 180 days after the commencement of construction activities.

Said funds to be expended under the direction of the Community Preservation Committee and the Town Treasurer, or do or act anything in relation thereto.

**Proposed by:** COMMUNITY PRESERVATION COMMITTEE

**Board of Selectmen Recommendation:** Support; reserve pending review of motion

**Advisory Committee Recommendation:** Support

**Summary:** *Under the direction of John Parent, Southborough's Director of Facilities the Southborough Town House Exterior Preservation and Restoration Project is focused on restoring various original elements of the building structure, where deemed prudent. Projects at the Town House include window sash replacement, exterior renovation work and roof replacement Great care has also been taken to ensure that any replacement components will be designed in such a fashion as to authentically replicate the original components they would replace. The proposed project has been structured in a way that helps preserve the overall original appearance and integrity of the Town House, while also taking into consideration the functional needs of building occupants. The Preservation Restriction will ensure that Southborough benefits from the presence of this historic property gracing our Historic Town Center in perpetuity.*

**MOTION MADE:** I move that the town accept Article 20 as printed in the warrant.

**MOTION PASSED BY MODERATOR DECLARED 2/3 MAJORITY.**

**MOTION TO RECESS THE ANNUAL TOWN MEETING AT 1:03PM AND RECONVEYNE AT 2:00PM PASSED.**

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The duly called Annual Town Meeting was reconvened on Saturday May 22, 2021, on the baseball field adjacent to the Neary School, 53, Parkerville Road, where the following Articles were voted on in a legal manner. There was a quorum present (100 Voters = quorum); 116 voters were present.

Town Moderator Paul M. Cimino called the meeting to order at 2:06 PM.

**ARTICLE 21:** To see if the Town will vote to appropriate \$9,950 from the FY22 estimated CPA annual revenue for the Southborough History Museum Condition Assessment for historical purposes as requested by the Southborough Historical Society. Project to be completed in conformance with details as presented to the members of the CPC and to be documented in the application and signed Memorandum of Understanding. Said funds to be expended under the direction of the Community Preservation Committee and the Town Treasurer; or do or act anything in relation thereto.

**Proposed by:** COMMUNITY PRESERVATION COMMITTEE

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *Under the Direction of the Historical Society and with review by Southborough Facilities Department Director John Parent, the Southborough Historical Society will hire a historical architect to conduct a Condition Assessment of the historic 1859 Flagg School. The assessment will include historic paint research on the building, draw up plans and budgets for the window restoration and other relevant exterior issues such as redesigning the unsafe front and rear stairs which is needed to preserve the building into the 21st century and beyond.*

**MOTION MADE:** I move that the Town accept Article 21 as written in the warrant.

**MOTION PASSED.**

**ARTICLE 22:** To see if the Town will vote to appropriate \$47,011 from the FY22 estimated CPA annual revenue for the 1.6 mile Peninsula Trail for recreation purposes as requested by the Southborough Trails Committee (STC) with \$42,737 in project costs and an additional \$4,274 in contingency funding. The STC shall apply for the Massachusetts Department of Conservation and Recreation trails grant for matching funds. In the event the grant funds are not awarded, these CPA funds will be used to provide signage and install required fencing to enable use of the property. Contingency funds only available after approval of the CPC for unexpected costs unforeseen at the time of application. Project to be completed in conformance with details as presented to the members of the CPC and to be documented in the application and signed Memorandum of Understanding. Said funds to be expended under the direction of the Community Preservation Committee and the Town Treasurer; or do or act anything in relation thereto.

**Proposed by:** COMMUNITY PRESERVATION COMMITTEE

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *Under the direction of the Southborough Trails Committee (STC), said funds will be used for improvements of a 1.6 mile trail segment to close a gap in the 33-mile regional Boroughs Loop Trail (BLT) that connects the trail networks of Marlborough, Northborough, Westborough and Southborough. The trail will also be part of MWRA's Aqueduct Trail system and will serve as a future connection to Framingham's Aqueduct Trail on the east side off Pine Hill Road. The BLT is adjacent to, and intersects with, the Bay Circuit Trail, a 230-mile regional trail extending through 37 communities. Constructing this section of trail will help to close an important trail gap in Southborough and fulfill the town's commitment to complete this initiative. Parking will be available for 2-4 cars at the Rt.30/Central street location. This project consists of two components: • Wayfinding/regulatory interpretive and historical signage • Fencing to enclose the Hosmer Riser. Additionally this funding allows the STC to apply for the Massachusetts DCR trails grant to improve Trail accessibility at Route 30 and Central Street*

**MOTION MADE:** I move that the Town accept Article 22 as written in the warrant.

**MOTION PASSED.**

**ARTICLE 23:** To see if the Town will vote to authorize the Board of Selectmen to dispose of a parcel of land with structures thereon deemed surplus property with no further public purpose, by deed of conveyance, grant or transfer after appraisals have been obtained and upon such terms and conditions as the Board of Selectmen deem appropriate. Said parcel of land being described as follows: 21

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Highland Street, having been acquired by deed dated June 26, 1911 and recorded in the Worcester Registry of Deeds at Book 1974, Page 229; or do or act anything in relation thereto.

**Proposed by:** BOARD OF SELECTMEN

**Board of Selectmen Recommendation:** At Town Meeting

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *The former South Union School at 21 Highland Street currently houses the Recreation and Youth & Family Services departments. The building will require some significant maintenance in the coming years, including boiler and roof replacement, and exterior maintenance work which are estimated to cost in excess of \$400,000. In consultation with the Capital Planning Committee, the Board of Selectmen have issued a Request for Proposals (RFP) for the disposition of the building and the property (excluding playground equipment), to determine its best value. The results of that bid process will be available in early-May, and will form the basis of the motion to be made in relation to this article.*

**INDEFINITELY POSTPONED- JOINT MOTION**

**ARTICLE 24:** To see if the Town will vote to amend the interest rate per annum from 4% to 2% and increase the income limit (gross receipts) from \$20,000 to \$45,000 under the provisions of Massachusetts General Laws, Chapter 59, §5 (41A) which regulates tax deferral for homeowners 65 years or older pursuant to the authority contained in Chapter 136 of the Acts of 2005 of the General Court thereby amending M.G.L. Ch. 59, §5 (41A), or do or act anything in relation thereto.

**Proposed by:** BOARD OF SELECTMEN, BOARD OF ASSESSORS & COUNCIL ON AGING

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *The senior property tax deferral program, known as Clause 41A, allows people 65 or over to defer their property taxes until their home is sold or conveyed. This article will change the interest rate charged on "deferred tax" liens from the current 4% to 2%. It also will increase the income limits of applicants from \$20,000 to \$45,000.*

**MOTION MADE:** I move that the Town vote to amend the interest rate per annum from 4% to 2% and increase the income limit (gross receipts) from \$20,000 to \$45,000 under the provisions of Massachusetts General Laws, Chapter 59, §5 (41A) which regulates tax deferral for homeowners 65 years or older pursuant to the authority contained in Chapter 136 of the Acts of 2005 of the General Court thereby amending M.G.L. Ch. 59, §5 (41A).

**MOTION PASSED.**

**ARTICLE 25:** To see if the Town will vote to amend Section 9-24 "Qualification of elected and appointed officials" of the Town Code, by deleting the text in its entirety, and replacing with the following:

"All elected and appointed officials shall be qualified by the Town Clerk within 30 days of their election except where a different period is specified in the General Laws. If an appointed official is not qualified in this period, his/her appointment shall terminate, and the appointing authority shall be so notified by the Town Clerk."

; or do or act anything in relation thereto.

**Proposed by:** BOARD OF SELECTMEN

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *Currently, elected and appointed officials have 15 days to be sworn in by the Town Clerk's office; this article will allow those officials additional time to be sworn in following their appointment or election. The current requirement of 15 days was found to be too limiting, as appointment dates often conflicted with the 4<sup>th</sup> of July holiday and summer vacations. The Board of Selectmen was having to reappoint certain positions multiple times due to the inability of individuals to be sworn in within the required timeframe.*

**PASSED – CONSENT LIST.**

**ARTICLE APPROVED BY THE ATTORNEY GENERAL ON OCTOBER 19, 2021.**

**ARTICLE 26:** To see if the Town will vote to amend the provisions of the Southborough Code, Chapters 41-2 9 entitled Notice of Town Meetings and § 41-26 Availability of Annual Report and Warrant by:

1) Deleting § 41-2 in its entirety and replacing it with:

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A. Notice of every Town Meeting shall be given by posting attested copies of the warrant on the Town website, at the Town House, the Southborough Library, the Senior Center and the Transfer Station seven days at least before the time appointed for the Annual Town Meeting and fourteen days at least before the time appointed for a Special Town Meeting.

Creating a new section §41-2.1 entitled Location of Town Meeting

B. The warrant for an annual or special town meeting may specify that the meeting is to be held in a suitable auditorium or other facility in Southborough or in any town contiguous to Southborough. Town meeting may also vote to adjourn to such a facility if it deems appropriate.

2) Change the Title of Article III from Availability of Annual Report and Warrant to Availability of Annual Report.

3) Strike § 41-26 in its entirety and replace with:

§ 41-26 Availability of Annual Report.

At least fourteen (14) days prior to the Annual Town Meeting, the Selectmen shall place a notice on the town website and on Southborough Access Media advising that copies of the Annual Town Report are available to the public on the town website, at the Southborough Town House, at the Southborough Library and at the Southborough Senior Center.

; or do or act anything in relation thereto.

**Proposed by:** TOWN CLERK

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *This article would correct the conflicting language in Southborough Code sections 41-2 and 41-26. This article would also allow a Town Meeting to be held in any of the towns contiguous to Southborough. For example, a town meeting could be held at Algonquin Regional High School if the town were unable to hold the meeting in Southborough for any reason.*

**INDEFINITELY POSTPONED- JOINT MOTION**

**ARTICLE 27:** To see if the Town will accept the provisions of Chapter 41, Sec. 110A of the Massachusetts General Laws “Office hours on Saturday”: “Any public office in any city or town may remain closed on any or all Saturdays as may be determined from time to time, in a city by the city council, subject to the provisions of the city charter, or, in a town, by vote of the town at a special or regular town meeting, and the provisions of section nine of chapter four shall apply in the case of such closing of any such office on any Saturday to the same extent as if such Saturday were a legal holiday.” ;or do or act anything in relation thereto.

**Proposed by:** TOWN CLERK

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *Acceptance of this provision of the General Law would extend a voter registration deadline which occurs on a Saturday to the following Monday.*

**PASSED – CONSENT LIST.**

**ARTICLE 28:** To see if the Town will vote to adopt the provisions of MGL c.90, Section 17C to allow the Board of Selectmen to reduce the statutory speed limit from 30MPH to 25MPH on any or all town-owned roadways in thickly settled or business district areas, or do or act anything in relation thereto.

**Proposed by:** BOARD OF SELECTMEN

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *This article provides the Selectmen with the authority to reduce speed limits on certain town-owned streets in the interest of public safety.*

**MOTION MADE:** I move that the Town vote to adopt the provisions of MGL c.90, Section 17C to allow the Board of Selectmen to reduce the statutory speed limit from 30MPH to 25MPH on any or all town-owned roadways in thickly settled or business district areas.

**MOTION PASSED.**

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**ARTICLE 29:** To see if the Town will vote to adopt the provisions of MGL c.90, Section 18B to allow the Board of Selectmen to establish regulatory 20MPH safety zones on public streets within the Town of Southborough in the interest of public safety, or do or act anything in relation thereto.

**Proposed by:** BOARD OF SELECTMEN

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *This article provides the Selectmen with the authority to establish safety zones on streets in the interest of public safety.*

**PASSED – CONSENT LIST.**

**ARTICLE 30:** To see if the Town will vote to impose a .75% meals tax on the sales of restaurant meals by accepting Massachusetts General Laws, Chapter 64L, Section 2(a), or do or act anything in relation thereto.

**Proposed by:** BOARD OF SELECTMEN

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *This article will require all local restaurants to charge an additional .75% in meals tax, which will come back to the Town as unallocated revenue through State Local Aid. Most other communities in our area have adopted this local option as well. The local meals tax has been identified as an additional revenue source to help alleviate increases to residential property taxes.*

**MOTION MADE:** I move that the Town vote to impose a .75% meals tax on the sales of restaurant meals by accepting Massachusetts General Laws, Chapter 64L, Section 2(a). The implementation date of the meals tax will be at the discretion of the Board of Selectmen, but not before January 1, 2022.

**MOTION PASSED.**

**ARTICLE 31:** To see if the Town will vote to adopt in Chapter 9 of the General Bylaws, Article X to be entitled “Southborough Public Accessibility Committee”, Sections 9.34 through 9.35 of the Town bylaws, the following:

**Article IX Southborough Public Accessibility Committee**

**§9.34 Purpose**

Numerous laws, statutes, policies and regulations require and/or encourage access to facilities, programs and services for all members of the public. These include, but are not limited to:

- The Americans with Disabilities Act of 1990 - 42 U.S.C. ch. 126 § 12101 et seq
- Regulations promulgated by the Massachusetts Architectural Access Board (521 CMR)
- The Voting Accessibility for the Elderly and Handicapped Act of 1984 - P.L. 98-435, 42 U.S.C. §§ 1973ee–1973ee-6
- The Individuals with Disabilities Education Act – 20 U.S.C. §§ 1400 et seq.
- The Rehabilitation Act of 1973 – USC 31-41c, 29 U.S.C. § 701 et seq
- The Architectural Barriers Act - 42 U.S.C. §§ 4151 et seq.
- Massachusetts Employment Law MGL ch 151B
- Massachusetts Public Accommodation Law - MGL ch 272
- Massachusetts Equal Rights Act - MGL Ch. 93 §§ 102
- Massachusetts Constitution Article CXIV (114)
- Massachusetts Service Animals Law – MGL Ch. 272 §§ 98A

Southborough supports a coordinated approach to monitoring and increasing public accessibility and ensuring compliance with local, state and federal requirements. In addition, it is desirable to encourage property owners to consider adopting optional policies that increase accessibility. As more fully described in the remainder of this Article IX, this article establishes a committee that will be responsible for developing and implementing this coordination. It will report on status and progress to the Board of Selectmen and the Town Meeting.

#### **§9.34.A Establishment; Membership; Qualifications**

There shall be a Southborough Public Accessibility Committee ("SPAC"), which shall consist of five voting members appointed by the Board of Selectmen, plus the non-voting, ex-officio members identified below. Any non-voting, ex-officio member shall not count toward the calculation of a quorum for the SPAC for voting purposes.

Each voting member shall be a registered voter in the Town and shall not be a Town officer (where a "Town officer" means a Town official who serves in an elected position) or a Town employee (where a "Town employee" is any person holding a non-elected, paid position in the Town other than a volunteer who is deemed a Special Municipal employee solely for the purposes of MGL Chapter 268A).

The Board of Selectmen shall designate a Public Accessibility Coordinator ("Coordinator"), in consultation with the SPAC. The Coordinator shall be responsible for accepting and recording concerns, coordinating reviews, and such other duties as may be assigned.

The Building Commissioner and Coordinator shall be ex-officio members of the SPAC.

#### **§9.34.B Appointments; Terms**

Voting members shall be appointed for two-year terms. The initial appointments shall be divided between one and two-year terms, so as to establish overlapping terms.

#### **§9.34.C Organization**

The voting SPAC members shall select annually, from among themselves by majority vote, a Chairman and a Secretary.

#### **§9.34.D Funding**

The SPAC shall have a budget, as may be approved through the Town's regular budget process, for consultants and other expenses. The SPAC shall submit its projected expenses annually as input to the Town's regular budget process. Any expenditures from the SPAC budget shall require a majority vote of the SPAC, and shall be subject to the Town's policies for such expenditures.

#### **§9.35 Powers and Duties**

The SPAC Powers and Duties include, but are not limited to, the following:

- To monitor and enhance the Town's compliance with all applicable laws, statutes, policies, and regulations that require (or encourage) access to facilities, programs and services for all members of the public.
- In coordination with Town officers, departments, and other government entities, to endeavor to ensure that all Town citizens have equal access to:
  - Town government offices and communications
  - Public and commercial buildings
  - Programs
  - Goods and services
  - Transportation
  - Telecommunications, including the internet
  - Recreational facilities and programs
- To review existing and proposed facilities, programs, and projects undertaken by the Town, and to notify the responsible official or entity of its comments. The SPAC may request that other Town officials, committees, departments, and/or entities provide input to these reviews.
- To undertake public outreach and advocacy for accessibility in the Town,
- To periodically, but no less than once per calendar year, report to the Board of Selectmen and the Town Meeting on its activities and findings.
- To provide a mechanism for the public and/or any Town employee to raise concerns about the accessibility of any Town facility, service or program.
- The SPAC (or its designee) shall maintain records of such concerns and their dispositions. To the extent permissible by law, the identities of persons raising such concerns shall be confidential, unless confidentiality is waived by such person.

, or act or do anything in relation thereto.

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**Proposed by:** BOARD OF SELECTMEN

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *This article replaces the current ad-hoc Accessibility Compliance Committee with a standing committee. The existing committee was established to address the issues raised by the 1990 Americans with Disabilities Act, and was thought to be needed for a short time. In the time since, regulations in this area have increased and public demand for accessibility has increased. Since the need has persisted for several decades, a standing committee that is not limited to the ADA is the more appropriate construct.*

**MOTION MADE:** I move that the Town vote to adopt in Chapter 9 of the General Bylaws, Article X to be entitled "Southborough Public Accessibility Committee", Sections 9.34 through 9.35 of the Town bylaws, as printed in the warrant.

**MOTION PASSED.**

**ARTICLE 32:** To see if the Town will vote to amend the provisions of the Southborough Code, Section 9.8 and 9.12 thereof, as follows:

**§ 9-8 Establishment; membership; residence requirements. [Amended 4-12-1999 STM by Art. 1; 10-21-2002 STM by Art. 7; 4-15-2008 ATM by Art. 34]**

There shall be an Advisory Committee, which shall consist of nine voters of the Town. No member shall be appointed who is a Town officer, employee or member of another Town committee, appointed or elected; provided, however, that an Advisory Committee member may ~~belong~~ **be appointed to:** **a) one ad hoc committee that is appointed by an elected board or official, or b) one other committee appointed by the Moderator, or c) one committee chartered to consider capital appropriations** under the following restrictions:

A. The Advisory member's ~~participation~~ **appointment** is approved **in advance** by majority vote of the Advisory Committee excluding the member desiring to participate in the above committees.

B. The Advisory member may not vote or be counted for purposes of a quorum during Advisory meetings when matters subject to ~~the jurisdiction of~~ **consideration by** the above other committees are ~~presented to~~ **considered by** the Advisory Committee.

**§ 9-12. Appointment of Chairman and Secretary.**

Said Committee shall choose from its membership a Chairman, **a Vice-Chairman** and a Secretary.

, or act or do anything in relation thereto.

**Proposed by:** ADVISORY COMMITTEE

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *The proposed article makes the following changes to the current Advisory by-law:*

*§ 9-8 - Proposed article (1) reduces the number of members on the Advisory committee from nine to seven; (2) allows Advisory committee members to sit on a standing committee whose purpose is to consider capital appropriations and (3) allows all Advisory committee members to count toward a meeting quorum even when other committee matters are being considered and Advisory members also sit on that other committee. Advisory members who sit on the other committees must recuse themselves from any discussion or votes taken regarding the other committees' subject matters.*

*§ 9-12 –Proposed article adds the office of Vice-Chairman.*

**MOTION MADE:** I move that the Town vote to amend the provisions of the Southborough Code, Section 9.8 and 9.12 thereof, as printed in the warrant, except for that we would like to change the number of 9 to 7.

**MOTION TO INDEFINITELY POSTPONE THE ARTICLE FAILED.**

**MOTION FAILED BY COUNTED VOTE: 50 AYE, 76 NAY.**



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**ARTICLE 33:** To see if the Town will vote to adopt in Chapter 9 of the General Bylaws, a new Article IX to be entitled "Capital Improvement and Planning Committee", Sections 9-30 through 9-33 the following:

§ 9-30 Purpose.

As more fully described in the remainder of this Article IX, this article establishes a committee that will be responsible for creating and maintaining a rolling ten-year Capital Plan across all government entities and will ensure consistent interpretation and execution of that plan. The Committee will work in collaboration with the various government entities that propose capital expenditures. It will report on the plan to the Town Meeting and advise Town Meeting on proposed capital expenditures.

§ 9-30.1 Establishment; membership; qualifications.

A.

There shall be a Capital Improvement and Planning Committee ("CIPC"), which shall consist of seven voting members and the two nonvoting ex-officio members identified below.

B.

Each voting member shall be a resident of the Town.

C.

The voting members shall be appointed by the Board of Selectmen.

D.

One appointed member should be a member of the Board of Selectmen and one member should be a member of the Advisory Committee.

E.

At no time should any elected or appointed board, committee or commission have more than one representative that also is appointed to CIPC.

F.

The Town Administrator and Finance Director shall be appointed as ex-officio members and may be nonresident Town employees. The Town Administrator or Finance Director, after collaboration with the Board of Selectmen as appointing authority, may recommend that another member of the town's finance team (treasurer, assessor, or accounting departments) serve as ex-officio in their place.

§ 9-30.2 Appointments; terms; vacancies; removal.

A.

Voting members shall be appointed for three-year terms. The initial appointments shall be three members for three years, two members for two years, and two members for one year, so as to establish overlapping terms. For subsequent appointments, the appointing authority shall request that the CIPC review the qualifications of prospective appointees, but the final determination of who is selected shall rest with the appointing authority.

§ 9-30.3 Organization; meetings.

A.

The members shall select, from among themselves, a Chairperson, Vice Chairperson and a Clerk.

B.

The CIPC may appoint from its own membership subcommittees and delegate to them such of its powers as it deems expedient.

C.

All reports and recommendations of the CIPC made to the Town shall be voted by a majority of the voting members of the CIPC, but this shall not be construed to prevent recommendations by a minority nor to discourage full participation by the nonvoting members.

§ 9-30.4 Funding.

The CIPC shall have a budget or warrant article for consultants and other expenses. It shall submit its projected expenses to the Town's regular budget process. Any expenditures from its budget shall require a majority vote of the CIPC, and be subject to the Town's policies for such expenditures.

§ 9-31 Functions and definitions.

A.

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Work with Town Finance Team to maintain town's 10-year capital plan. This will be achieved by regular meetings and discussions with Town Departments, Boards, and Committees that will put forward requests for Capital Funding as part of an Annual or Special Town Meeting. While this Committee will have no oversight of the annual operating budget, they need to be aware and receive regular updates of the operating budgets and other revolving or enterprise funds to ensure that capital needs are considered in an appropriate order and timing.

B.

The CIPC shall follow any capital or other financial policies adopted by the town and provide regular feedback for any potential improvements or enhancements to these policies.

§ 9-32 Project Oversight.

A.

In the absence of a formal building committee for a specific project, CIPC will serve as point of initial approval for all project expenses, change orders, and invoices. Projects falling under the oversight of the CIPC will specifically be decided as part of or immediately following any Town Meeting appropriation by a vote of the Board of Selectmen.

B.

If any elected board decides to have a separate Building Committee for any specific project, then at least one member but not more than two members of the CIPC shall be appointed.

§ 9-33 Reports

A.

Prior to any annual or special town meeting, CIPC shall provide a recommendation on any capital article to appear on the warrant. This recommendation should be communicated to both the Board of Selectmen and Advisory Committee.

, or act or do anything in relation thereto.

**Proposed by:** BOARD OF SELECTMEN

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** Support

**Summary:** *The Capital Planning Committee has been an ad-hoc committee since March 2020. Since that time, the Committee has advised the Board of Selectmen on capital expenditures for Town Meeting, and worked collaboratively with the Finance Director and Town Administrator on the overall capital plan and funding/financing options for capital projects. Given the intention for the Committee to continue their work each year as part of the budget process, the Board of Selectmen agreed that the Committee should operate as a standing committee under the Town bylaws.*

**MOTION TO IDEFINITELY POSTPONE THE ARTICLE PASSED.**

**ARTICLE 34:** To see if the Town will vote to amend the Zoning Code of the Town of Southborough, Zoning Article I entitled "Miscellaneous Provisions" and Article V entitled "Nonconforming Uses and Structures" by amending thereto Section 174-9 entitled "Special Permit Requirements" and 174-19 entitled "Extensions" as hereinafter specified.

\*\*\**Bold text are insertions. Strikethrough text are deletions.*

Article I: Miscellaneous provisions

§ 174-9 Special permit requirements.

[Amended 4-14-1986 ATM by Art. 46]

E. Nonconforming uses, lots and structures. Special permits may be issued for the extension, ~~or~~ alteration, **reconstruction or structural change** of legally nonconforming uses, structures and lots, including a change in the non-conforming use to another non-conforming use, provided that the Board of Appeals finds that such extension, alteration, **reconstruction or structural** change shall not be substantially more detrimental to the neighborhood, will not increase the extent of non-conformance in size or in impact and that the

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cost thereof shall not exceed 50% of the assessed value of the non-conforming structure at the time of application, and further provided that the estimate of the cost of any extension, ~~or~~ alteration, **reconstruction or structural change** utilized by the Board of Appeals in evaluating the above specified 50% requirement of the assessed value shall not be less than a cost estimate of such extension, ~~or~~ alteration, **reconstruction or structural change** based on a nationally recognized building cost estimate manual or system acceptable to the Zoning Board of Appeals. ~~No special permits under this subsection shall be granted for nonconforming signs subject to Chapter 93 or 93D of the General Laws.~~

[Amended 4-15-2008 ATM by Art. 38]

§ 174-19 **Extensions, ~~or~~ alterations, reconstruction or structural changes.**

[Amended 4-10-2000 ATM by Art. 55]

A. Nonconforming structures or uses shall not be extended, ~~or~~ altered, **reconstructed or structural changes made** except to make them conforming; unless the Board of Appeals authorizes such extension, ~~or~~ alteration, **reconstruction or structural change** by special permit upon making findings as provided in § 174-9E.

B. ~~Single family and two family residential structures. In the following circumstances:~~ **Notwithstanding the provisions of Section A above, as provided in M.G.L. c.40A, § 6, if any proposed extension, alteration, reconstruction, extension or structural change to a single or two-family residential structure complies with one of the conditions set forth in subsections (1) through (5) below, such extension, alteration, reconstruction or structural change structure shall not be considered an increase in the non-conforming nature of the structure and shall be permitted as of right.**

[Amended 10-7-2013 STM by Art. 9]

(1) **Extension, aAlteration, reconstruction or structural change** to a structure which complies with all current setbacks, lot coverage and building height requirements but is located on a lot with insufficient area; where the alteration will also comply with all of said current requirements.;

(2) **Extension, aAlteration, reconstruction or structural change** to a structure which complies with all current setbacks, lot coverage and building height requirements but is located on a lot with insufficient frontage; where the alteration will also comply with all of said current requirements.;

(3) **Extension, aAlteration, reconstruction or structural change** to a structure which encroaches upon one or more required setbacks; where the alteration will comply with all current setbacks, open lot coverage and building height requirements. The provisions of this ~~sSubsection B (3)~~ shall apply regardless of whether the lot complies with current area and frontage requirements.

(4) **Extension, alteration, reconstruction or structural change to the rear, side or fascia of a structure which encroaches upon a required yard or setback area where the alteration will not encroach upon such area to a distance greater than the existing structure. The provisions of this subsection shall apply regardless of whether the lot complies with current area and frontage requirements.**

(5) **Extension, alteration, reconstruction or structural change to a non-conforming structure which will not increase the footprint of the existing structure providing that existing height restrictions shall not be exceeded.**

**In the event that the Building Commissioner determines that none of the exemptions set forth in subsections (1) through (5) apply, and the Building Commissioner determines that the non-conforming nature of such structure would be increased by the proposed extension, alteration, reconstruction or structural change, then the Board of Appeals may, by special permit, allow such extension, alteration, reconstruction or structural change where the proposed modification will not be substantially detrimental than the existing non-conforming structure to the neighborhood.**

; or do or act anything in relation thereto.

**Proposed by: ZONING BOARD OF APPEALS**

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**Board of Selectmen Recommendation:** At Town Meeting

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *This article proposes to amend the Special Permit Requirements and Exemptions by the addition of language for the purpose of clarity and the inclusion of exemptions to comply with current case law*

**MOTION MADE:** I move Article 34 as written in the warrant.

**MOTION PASSED BY MODERATOR DECLARED 2/3 MAJORITY.**

**ARTICLE 35:** To see if the Town will vote to amend the Zoning Code of the Town of Southborough Article III entitled "Use Regulations" by replacing thereto Section 174-12.1 thereof entitled "Outdoor illumination" as hereinafter specified.

*\*\*\*Bold text are insertions. Strikethrough text are deletions.*

§ 174-12.1. Outdoor illumination. [Added 4-11-2005 ATM by Art. 40]

A. Purpose. This section recognizes the benefits of outdoor lighting and provides clear guidelines for its installation, so as to help maintain and complement Southborough's character. The intent of this section is to:

- (1) encourage lighting that provides safety, utility and security, **productivity, enjoyment and commerce;**
- (2) prevent glare on public roadways;
- (3) protect the privacy of residents;
- (4) promote energy-efficient outdoor lighting;
- (5) limit the total allowable illumination of lots located in the Town of Southborough; ~~to reduce atmospheric light pollution.~~
- (6) **minimize adverse offsite impact such as light trespass, and obtrusive light;**
- (7) **curtail light pollution and reduce skyglow to create a healthy night-time environment for residents of Southborough**

**The Planning Board is authorized to promulgate rules and regulations to carry forth the purpose and intent of these Bylaw provisions.** Appropriately regulated, and properly installed, outdoor lighting will contribute to the safety and welfare of the residents of Southborough.

B. Applicability. Outdoor illumination by flood or spot luminaires rated at 900 lumens or more (which is approximately equal to one sixty-watt incandescent light bulb) or by any other luminaires rated at 1,800 lumens or more (which is approximately equal to one one-hundred-twenty-watt incandescent light bulb) shall be subject to the provisions of this section **including application to single and two-family residential lots**, with the following exceptions:

- (1) emergency lighting;
- (2) hazard warning;
- (3) temporary decorative or holiday lighting ~~or public roadway illumination.~~

It shall also not apply to any luminaire intended solely to illuminate any freestanding sign, flag or the walls of any building, but such luminaire shall be shielded so that its direct light is confined to the surface of such sign, flag or building.

~~(1) The replacement of existing fixtures shall be subject to the provisions of this section; however, the replacement of existing nonconforming lamps or fixtures with the same or lower output nonconforming lamps or fixtures is exempted.~~

**The replacement of fixtures or luminaires shall be subject to the provisions of this section and comply with guidance outlined in the Rules and Regulations for Outdoor Illumination maintained by the Planning Board. Non-conforming fixtures or luminaires requiring replacement for any reason (including but not limited to end of life, breakdown, vandalism) shall be replaced in compliance with this Bylaw.**

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(2) The Planning Board, in performing review pursuant to § 174-10, Site plan approval, may determine that special circumstances of the site, context or design make an alternative lighting design at least equally effective in meeting the purposes of this section and, in such cases, may modify the requirements of this section.

- C. **Enforcement. Violations of this Bylaw shall be subject to the provisions of the Town of Southborough Article VI entitled “Administration” Section 174-24 thereof entitled “Enforcement; procedures; violations and penalties.”**
- D. **Definitions.** For the purposes of this section, the following terms shall be defined as indicated below. Although set forth here for convenience, the terms shall have the same effect as if in § 174-2 of this Bylaw.

**BACKLIGHT**

**For an exterior luminaire is the 90-degree quarter-sphere located behind and below the light source. For luminaires with symmetric distribution, backlight will be the same as front light.**

**BUG RATING**

**A luminaire classification system that classifies backlight (B), uplight (U), and glare (G) per IES TM-15-11.**

**CORRELATED COLOR TEMPERATURE (CCT)**

**A specification of the color appearance of the light emitted by a lamp, relating its color to the color of light from a reference source when heated to a particular temperature, measured in degrees Kelvin (K).**

**FIXTURE**

**The assembly that houses a lamp or lamps, and which may include a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor, lens or diffuser lens.**

**FRONTLIGHT**

**For an exterior luminaire is the 90-degree quarter-sphere located in front and below the luminaire.**

**FULL CUTOFF**

**A luminaire designed with an opaque shield surrounding and extending below the lamp, such that no direct light is emitted above a horizontal plane.**

**FULLY SHIELDED LUMINAIRE**

**A luminaire constructed and installed in such a manner that all light emitted by the luminaire, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal plane through the luminaire's lowest light-emitting part.**

**GLARE**

**Light emitted from a luminaire with intensity great enough to produce annoyance, discomfort or a reduction in a viewer's ability to see, and in extreme cases causing momentary blindness.**

**HARDSCAPE**

**Permanent hardscape improvements to the site including parking lots, drives, entrances, curbs, ramps, stairs, steps, medians, walkways, and non-vegetated landscaping that is 100 feet or less in width. Materials may include but are not limited to concrete, asphalt, stone, and gravel.**

**INDIRECT LIGHT**

**Light scatter caused by direct light being redirected from a surface.**

**LAMP**

The component of a luminaire that produces the actual light.

#### **LED (Light Emitting Diode) LAMP**

**An electric lamp with a much longer lifespan than incandescent lighting and low energy consumption.**

#### **LIGHT TRESPASS**

The shining of direct **or indirect** light produced by a luminaire beyond the boundaries of the lot on which it is located.

#### **LUMEN**

A measure of light energy generated by a light source. One footcandle is one lumen per square foot. For purposes of this bylaw, the lumen output shall be the initial lumen output of a lamp, as rated by the manufacturer.

#### **LUMINAIRE**

**A complete lighting system, including a lamp or lamps and a fixture unit (fixture), consisting of a lamp, or lamps and ballast(s) (when applicable), together with the parts designed to distribute the light (reflector, lens, diffuser), to position and protect the lamps, and to connect the lamps to the power supply.**

#### **LUMINAIRE LUMENS**

**For luminaires with relative photometry per Illuminating Engineering Society (IES), it is calculated as the sum of the initial lamp lumens for all lamps within an individual luminaire, multiplied by the luminaire efficiency. If the efficiency is not known for a residential luminaire, assume 70%. For luminaires with absolute photometry per IES LM-79, it is the total luminaire lumens. The lumen rating of a luminaire assumes the lamp or luminaire is new and has not depreciated in light output.**

#### **MOUNTING HEIGHT**

**The height of the photometric center of a luminaire in feet above grade level. Feet above grade level refers to the overall average grade of the area being illuminated.**

#### **UPLIGHT**

**For an exterior luminaire is all of the light escaping above the luminaire.**

#### **E. Lighting zones. The Lighting Zone shall determine the limitations for lighting as specified in this section.**

##### **LZ-0: No ambient lighting**

**Areas where the natural environment will be seriously and adversely affected by lighting. Impacts include disturbing the biological cycles of flora and fauna and/or detracting from human enjoyment and appreciation of the natural environment. Human activity is subordinate in importance to nature. The vision of human residents and users is adapted to the darkness, and they expect to see little or no lighting. When not needed, lighting should be extinguished.**

**Zoning Districts: Conservation and Research, Scientific & Professional**

##### **LZ-1: Low ambient lighting**

**Areas where lighting might adversely affect flora and fauna or disturb the character of the area. The vision of human residents and users is adapted to low light levels. Lighting may be used for safety and convenience but it is not necessarily uniform or continuous. After curfew, most lighting should be extinguished or reduced as activity levels decline.**

**Zoning Districts: Residence A and Residence B**

##### **LZ-2: Moderate ambient lighting**

**Areas of human activity where the vision of human residents and users is adapted to moderate light levels. Lighting may typically be used for safety and convenience, but it is not necessarily uniform or continuous. After curfew, lighting may be extinguished or reduced as activity levels decline.**

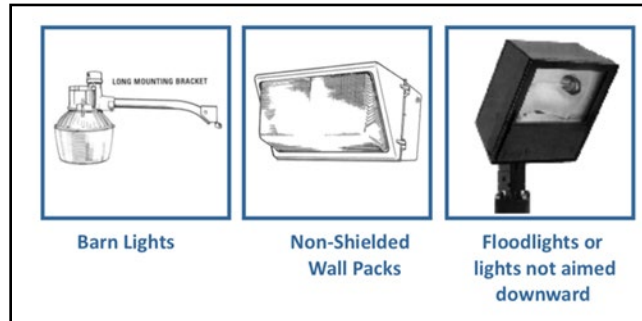
**Zoning Districts: Business Village**

**LZ-3: Moderately high ambient lighting**

Areas of human activity where the vision of human residents and users is adapted to moderately high light levels. Lighting is generally desired for safety, security and/or convenience and it is often uniform and/or continuous. After curfew, lighting may be extinguished or reduced in most areas as activity levels decline.

**Zoning Districts: Business Highway, Industrial and Industrial Park**

**Non-shielded wall-packs, barn lights, and floodlights not aimed downward are prohibited in all zones.**



- F. **Total site lumen limit.** The total installed initial luminaire lumens of all outdoor lighting shall not exceed the total site lumen limit. The total site lumen limit shall be determined using the hardscape area and table below. For sites with existing lighting, existing lighting shall be included in the calculation of total installed lumens. The total installed initial luminaire lumens are calculated as the sum of the initial luminaire lumens for all luminaires.

**Table 1: Allowed Total Initial Lumens Per Site for Outdoor Lighting by Hardscape Method**

LZ-0	LZ-1	LZ-2	LZ-3
<ul style="list-style-type: none"><li>• Conservation</li><li>• Research, Scientific &amp; Professional</li></ul>	<ul style="list-style-type: none"><li>• Residential A</li><li>• Residential B</li></ul>	<ul style="list-style-type: none"><li>• Business Village</li></ul>	<ul style="list-style-type: none"><li>• Business Highway</li><li>• Industrial</li><li>• Industrial Park</li></ul>
0.5 lumens per SF of hardscape	1.25 lumens per SF of hardscape	2.5 lumens per SF of hardscape	5.0 lumens per SF of hardscape

- G. **Correlated Color Temperature (CCT).** All proposed LEDs shall have a correlated color temperature (CCT) between 2200K and 3000K.
- H. **Exterior lighting plan.** Applications subject to the provisions of § 174-10, Site plan approval, shall submit a lighting plan which shall include the following information, except to the extent waived by the Planning Board. All other lighting not subject to the provisions of said § 174-10 does not require a lighting plan but shall meet the standards as set forth in this **Bylaw section**, unless as may otherwise be provided herein. **The installation of fixtures or luminaires shall be subject to the provisions of this bylaw and comply with guidance outlined in the Rules and Regulations for Outdoor Illumination maintained by the Planning Board. The lighting plan shall include the following information and comply with the regulations adopted pursuant to this Bylaw:**
- (1) Location, orientation and type of outdoor luminaire, including the height of the luminaire, both existing and proposed;
  - (2) Type of lamp, such as metal halide, compact fluorescent, high pressure sodium, **LED**;

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- (3) Luminaire manufacturer's specification data, including lumen output and photometric data showing cutoff angles, as well as a description of all illuminating devices, fixtures, lamps, supports, reflectors, both existing and proposed; this may include, but is not limited to, catalog cuts and illustrations by manufacturers;
  - (4) **Complete report of BUG rating data for all luminaires (if not already included in the manufacturer's specification data) calculated from photometric data (as per IES TM-15-11) showing compliance with the Planning Board Rules and Regulations for Outdoor Illumination;**
  - (5) Photometric plan showing the intensity of illumination expressed in footcandles at ground level within the interior of the property and at the property boundaries **that also includes the Total Site Lumen Limit; Limits to Off Site Impact; Light Shielding for LED lighting; and the Correlated Color Temperature; according to adopted regulations;**
  - (6) Evidence that the plan complies with light trespass restrictions as set forth herein.
- I. **Waivers. An applicant may make a waiver request to the Planning Board for increased lighting levels within any given lighting zone and the Planning Board shall have such waiver authority hereunder.**
- J. **Lighting control requirements. Automatic switch controls shall be provided that automatically extinguish all outdoor lighting when sufficient daylight is available using a control device or system such as a photoelectric switch, astronomic time switch or equivalent functions from a programmable lighting controller, building automation system or lighting energy management system, all with battery or similar backup power or device. The Exterior Lighting Plan shall establish curfew time(s) after which total outdoor lighting lumens shall be reduced by at least 30% or extinguished. Lighting reductions are not required for any of the following:**
- (1) **Lighting for residential properties including multiple residential properties not having common areas; with the exception of landscape lighting**
  - (2) **When the outdoor lighting consists of only one luminaire.**
  - (3) **Code required lighting for steps, stairs, walkways, and building entrances.**
  - (4) **Lighting under canopies, in tunnels, parking garages, and similar conditions.**
  - (5) **When in the opinion of the Planning Board, lighting levels must be maintained.**
  - (6) **Motion activated lighting.**
  - (7) **Lighting regulated by special use in which times of operation are specifically identified.**
  - (8) **Businesses that operate on a 24-hour basis.**
- K. **Community outdoor sports/recreational lighting requirements. These requirements are an exemption from the total site lumen limit based on hardscape metrics. Community outdoor sports or recreational facilities will be held to the IDA, IES criteria for outdoor sports lighting. On-field illuminance values will be determined by current IDA, IES set forth in the Rules and Regulations for Outdoor Illumination adopted to implement the intent and purpose of this bylaw. Standard regulations include:**
- (1) **Color, luminaire correlated color temperature (CCT) may not exceed 5700 Kelvin;**
  - (2) **Other lighting, parking and concession area lighting will be considered a separate luminaire system and must meet the applicable lighting standards for the relevant lighting zones;**
  - (3) **Shut-off, curfew time shall be no later than 10:00PM (2200 hrs.); for good cause shown, the Planning Board may waive the compliance requirement of this subsection.**
- L. **Street lights. Light emitted by the fixture shall have a correlated color temperature no greater than 3000 Kelvin and/or comply with Massachusetts DPU Tariff standards if applicable. All other street light features are exempt from regulation under this bylaw.**



**M. Light shielding for parking lot illumination. All parking lot lighting shall have no light emitted above 90 degrees from the installed vertical axis.**

**N. Flickering and flashing lights.** No flickering or flashing lights shall be permitted. Processes, such as arc welding, which create light flashes shall be confined within buildings or shielded to prevent either direct glare or flashing.

**O. Fixture mounting heights.**

(1) ~~F. Wall-mounted fixtures.~~ In nonresidential districts, a luminaire attached to the exterior of a building or structure for area lighting shall be mounted no higher than 15 feet above grade and shall be shielded to control glare. ~~"Wall-pac" lighting fixtures are prohibited.~~

(2) ~~P. Pole-mounted fixtures.~~ Pole-mounted exterior lighting fixtures **shall not exceed the pole-mounted height limitation of 20 feet in all zones.** ~~types are defined and restricted as follows:~~

**Existing non-conforming light heights may remain as mounted until modification is proposed, at which time the height must be brought into compliance.**

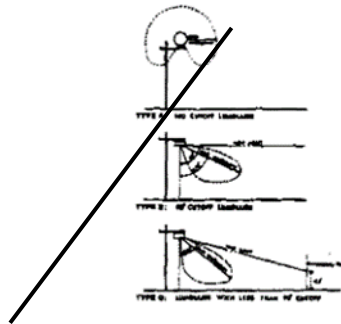
~~(1) Type A: no light cutoff.~~

~~(2) Type B: luminaire shielded such that peak candlepower is at an angle of 75° or less from straight down, and essentially no light is emitted above the horizontal.~~

~~(3) Type C: luminaire shielded such that total cutoff is at less than 90° from straight down, and no light source is in direct view of an observer five feet above the ground at any point off the premises.~~

~~H. Pole-mounted fixtures height limitation. Illustrations of pole-mounted exterior lighting fixture types are shown in Chart I herein. Pole-mounted fixtures shall not exceed the applicable pole-mounted height limitation set forth in Chart II in any district. The Type A pole-mounted exterior lighting fixture is prohibited in all nonresidential districts, unless equipped with shields.~~

**CHART I. ILLUSTRATIONS**



**CHART II. POLE MOUNTING HEIGHT LIMITATIONS**

**Maximum Luminaire Mounting Height**

**(feet above grade)\***

"District" is that in which fixtures are located.

**District**

**Residential**

**Nonresidential**

Fixture Type A

10

Not allowed (unless shielded)

## **CHART II. POLE MOUNTING HEIGHT LIMITATIONS**

### **Maximum Luminaire Mounting Height**

**(feet above grade)\***

"District" is that in which fixtures are located.

### **District**

#### **Residential**

#### **Nonresidential**

Fixture Type B	15	20
Fixture Type C	20	20

\* Note: Feet above grade refers to the overall average grade of the area being illuminated.

- P.** Ceiling-mounted fixtures. In nonresidential districts, luminaires mounted on an exterior ceiling such as under a canopy shall be mounted with the refractor or lens flush with or recessed in the ceiling or fixture.
- Q.** Lighting levels. Any luminaire with a lamp or lamps rated at a total of 1,800 lumens or more (which is approximately equal to one one-hundred-twenty-watt incandescent light bulb) and all flood or spot luminaires rated at 900 lumens or more (which is approximately equal to one 60-watt incandescent light bulb) shall not emit any direct light above a horizontal plane through the lowest direct-light-emitting part of the luminaire. If any spot or flood luminaire rated 900 lumens or less is directed or focused such as to cause direct light from the luminaire to be cast toward residential buildings on adjacent or nearby land, or to create glare perceptible to persons operating motor vehicles on public ways, the luminaire shall be redirected or its light output controlled as necessary to eliminate such conditions. The Planning Board reserves the right to limit and regulate the amount of illumination on a project site between the hours of 10:00 p.m. and 6:00 a.m., while understanding the need for safety and security lighting.
- R.** Light trespass limitations. There shall be no light trespass by a luminaire beyond the property boundaries of the lot on which it is located, except as within a street right-of-way for which there shall be no limit.

; or do or act anything in relation thereto

**Proposed by:** PLANNING BOARD

**Board of Selectmen Recommendation:** Support

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *The article proposes to replace the current language in Section 174-12.1 Outdoor illumination with new language to reduce blue lighting and increase public health based on recommendations from the American Medical Association and the International Dark-sky Association.*

**MOTION MADE:** I move that the Town vote to amend the Zoning Code of the Town of Southborough Article III entitled "Use Regulations" by replacing thereto Section 174-12.1 thereof entitled "Outdoor illumination", as printed in the warrant with the exception to the Scrivener's error in the definition of Hardscape, always intended to read 10 feet not 100 feet per the language from page 35 of the IDA-IES Model Lighting Ordinance definitions.

**1<sup>st</sup> AMENDMENT MADE:** I move to amend the main motion by striking the words in subsection B, **The replacement of fixtures or luminaires shall be subject to the provisions of this section and comply with guidance outlined in the Rules and Regulations for Outdoor Illumination maintained by the Planning Board. Non-conforming fixtures or luminaires requiring replacement for any reason (including but not limited to end of life, breakdown, vandalism) shall be replaced in compliance with this Bylaw. And by**

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**substituting the words:** Those existing luminaires which are not in compliance with Section 174-12.1 entitled “Outdoor Illumination” as of its effective date, shall nevertheless be considered in compliance provided such luminaires satisfy the previous bylaw provisions as enacted by the Town Meeting on April 11, 2005 by passage of Article 40 thereof, until the replacement of fixtures or luminaires is required as set forth herein. Fixtures or luminaires requiring replacement, for any reason, including but not limited to end of life, breakdown, vandalism shall be replaced in compliance with this Bylaw and further comply with the guidance outlined in the Rules and Regulations for Outdoor Illumination as promulgated by the Planning Board.

**1<sup>st</sup> AMENDMENT PASSED BY MODERATOR DECLARED 2/3 MAJORITY.**

**MOTION TO INDEFINITELY POSTPONE THE ARTICLE FAILED.**

**2<sup>nd</sup> AMENDMENT MADE:** I move to amend the main motion by adding the following words to Subsection D:

“FLOOD LUMINAIRE

Artificial light in a bright and broad beam, typically greater than 90° beam angle, illuminating a wider area for visibility in a short distance. These lights are typically used for landscape lighting, parking lots, architectural lighting, work lighting, and other applications that require wide light spread.” after the words “Fixture” alphabetically and before the words “Frontlight” in Subsection D-Definitions.” Additionally, by adding the following words to Subsection D:

SPOT LUMINAIRE

Artificial light that projects a longer, narrow beam of light, typically less than 90° beam angle, illuminating a narrow area over a long distance. These lights are often found in gardens, above garage doors, on police and search and rescue vehicles, or other applications where focused lights is needed.” after the words “Mounting Height” alphabetically and before “Uplight” in Subsection D-Definitions.

**2<sup>nd</sup> AMENDMENT PASSED BY MODERATOR DECLARED 2/3 MAJORITY.**

**MOTION AS AMENDED PASSED BY MODERATOR DECLARED 2/3 MAJORITY.**

**ARTICLE 36:** To see if the Town will vote to amend the Zoning Code of the Town of Southborough, Article III entitled “Use Regulations” by amending thereto Section 174-10, entitled “Site Plan Approval” as hereinafter specified.

*\*\*\*Bold text are insertions. Strikethrough text are deletions.*

§ 174-10. Site plan approval.

[Amended 4-8-1985 ATM by Art. 39; 4-14-1986 ATM by Art. 48; 4-13-1987 ATM by Art. 43; 4-11-1988 STM by Art. 4; 4-26-1990 ATM by Art. 41]

A. The purpose of the site plan review procedure is to encourage a desirable and compatible character of development within the Town of Southborough and to assure safety, promote logic, imagination and innovation in the design process while complying with all zoning requirements. The requirements of this section shall be applicable to the following:

- (1) Any nonresidential development that results in an increase in on-site parking.
- (2) All modifications to existing development projects which fall within the applicability of the Town's regulations for parking and loading (§ 174-12) or landscaping (§ 174-13).
- (3) Any change in use or reactivation of a facility that has not been in use for a period of two years.

[Added 4-8-1996 ATM by Art. 51]

- (4) Multifamily housing for the elderly.

[Added 4-15-1997 ATM by Art. 56]

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- (5) Adaptive reuse of historic buildings.

[Added 4-25-2017 ATM by Art. 30]

B. Site plan review will be processed by one of the following means:

- (1) Minor plan review. Any new development, or expansion in use other than a single-family or two-family residence which adds less than 2,000 square feet of floor area or which would require at least five but fewer than 20 parking spaces regardless of the number of parking spaces existing on the premises, or any change of use of a facility that totals less than 2,000 square feet shall be subject to minor plan review by the **Planning Board Site Plan Review Committee**. ~~The Site Plan Review Committee shall be chaired by the Town Planner and will consist of a Selectmen or its designee, Building Inspector, Highway Superintendent, Board of Health Agent, Superintendent of the Water Department, Police Chief and Fire Chief or their designee, who will meet at a regularly scheduled time and place to review plans.~~ The **Planning Board Committee** shall also seek the advice of the Conservation Commission in the review of all minor plan submissions.

[Amended 4-8-1996 ATM by Art. 51]

- (a) ~~Minor plan review will require 10 copies of the site plan to be submitted to the office of the Planning Board, together with an application form and filing fee. A complete application form, filing fee and multiple copies of all submission documents shall be submitted to the office of the Planning Board according to instructions on the application form.~~ All plans will be prepared at a scale no greater than one-inch equals 40 feet on standard twenty-four-by-thirty-six-inch sheets and shall show, as a minimum:

- [1] All existing and proposed buildings, including setbacks.
- [2] Existing and proposed parking.
- [3] Driveway openings.
- [4] All property and street lines.
- [5] Existing and proposed landscaping.
- [6] Existing and proposed signs.
- [7] Surfacing, indicating treatment of all surfaces.
- [8] Location of all wetlands.
- [9] Method of sewage disposal.
- [10] Water supply.
- [11] Stormwater drainage.
- [12] Such other information as the **Planning Board Site Plan Review Committee** may reasonably request.

- (b) ~~Any dispute arising from the minor plan review process or any plan not receiving unanimous approval from the Site Plan Review Committee shall be referred to the Planning Board for action. The Committee may also refer any site plan that, due to unusual circumstances or a unique situation, it feels should be approved by the Planning Board. All site plans sent to the Planning Board by the Site Plan Review Committee for action will be handled through the minor plan review process.~~

[Amended 4-8-1996 ATM by Art. 51]

(b) Minor site plan is not a public hearing.

- (c) The **Planning Board Site Plan Review Committee** shall approve, or disapprove or refer to the Planning Board all submittals for minor site plan review within the required 30 days of a completed application to the office of the Planning Board, but the required time may be extended by written agreement between the applicant and the Board, a copy of said agreement to be filed with the Town Clerk. The actions allowed by the minor site plan approval are authorized for a one-year period from the date of grant thereof. The applicant shall be granted a single one-year extension by applying to the Planning Board, in writing, prior to the date of expiration. If the actions permitted are not exercised or the approval not extended, they shall lapse, and a new application will be required.

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(d) Where applicable, all other criteria and conditions of this section will govern minor plan review.

- (2) Major plan review. Any new development, or expansion in use other than a single-family or two-family residence which adds 2,000 square feet or more of floor area or which would require 20 or more parking spaces, regardless of the number of parking spaces existing on the premises, or any change of use of a facility that totals 2,000 square feet or more shall be subject to major plan review by the Planning Board. The major site plan submission shall consist of the following elements:

[Amended 4-8-1996 ATM by Art. 51]

- (a) Ownership, zoning, use and the general location of structure and topography within 300 feet of the property lines of the site or adjacent land contiguously owned with the site.

- (b) **All plans will be prepared at a scale no greater than one-inch equals 40 feet on standard twenty-four-by-thirty-six-inch sheets and shall show, as a minimum, all** site features, existing or proposed, including but not limited to the following:

- [1] Driveways, including widths.
- [2] Parking facilities, including dimensions thereof.
- [3] Loading facilities.
- [4] Service areas.
- [5] Street line, including widths.
- [6] Roadways, including widths.
- [7] Pedestrian walks, including widths and types of surface.
- [8] Landscaping designation, specific plantings.
- [9] Screening.
- [10] Signs, including proposed sizes, mounting heights, types and drafted design.
- [11] Lighting, including plan location and detail information, size, type and wattage.
- [12] Surfacing, indicating treatment of all surfaces.
- [13] Existing trees on the site which are a caliper of six inches or larger.
- [14] Wetlands.
- [15] Drainage, including detailed design data, pipe sizing, etc.
- [16] Stone walls.
- [17] Topography at two-foot contour intervals.
- [18] Sewage disposal, including detailed design information.
- [19] Water supply.
- [20] Curbing.
- [21] Such other information as the Planning Board may reasonably request.

- (c) The construction of the work as detailed on the site plan shall not deviate from the work shown on the approved site plan. Accordingly, the site plan shall contain a sufficient level of detail to ensure the constructability of the project. Supporting details and documentation shall be presented as part of the site plan submission. **Suitable space to record action of the Planning Board including signature lines shall be provided on each plan sheet.**

- (3) Incomplete applications for both the minor and major review shall not be accepted by the Planning Board. Following submission of a site plan to the Planning Board, the Board or its designee shall review the **application**/plan for completeness within three business days of the submission. Completeness shall be based on the requirements of **the this respective subsections for minor or major review**. If the submission is determined incomplete by the Planning Board or its agent, notice will be **provided** ~~mailed~~ to the applicant ~~by certified mail~~ within three business days of the submission specifying the deficiencies.

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- C. The plans **for minor or major site plan approval** shall be prepared by a professional engineer, land surveyor, architect or landscape architect registered to practice in the Commonwealth of Massachusetts. **A complete application form, filing fee and multiple copies of all submission documents shall be submitted to the office of the Planning Board according to instructions on the application form.** ~~and shall be submitted with 11 copies to the office of the Planning Board, together with an application form and a filing fee, if any.~~
- D. Approval required.
- (1) Site plan approval shall be granted **by a majority vote** upon determination by the Planning Board that the following are complied with. Any new building construction or other site alteration shall provide adequate access to each structure for fire and service equipment; **shall provide** ~~and~~ adequate provision for utilities and stormwater drainage consistent with the functional requirements of the Southborough Planning Board's Rules and Regulations for the Subdivision of Land; ~~and~~ shall be so designed that for the given location, ~~and~~ type and extent of land use, the design of building form, building location, egress points, grading and other elements of the development shall be so as to:
- (a) Minimize the volume of cut and fill, the number of removed trees six inches in caliper and larger, the length of removed stone walls, the area of wetland vegetation displaced, the extent of stormwater flow increase from the site, soil erosion and the threat of air or water pollution.
- (b) Maximize pedestrian and vehicular safety and convenience within the site and egressing from it.
- (c) Minimize obstruction of scenic views from publicly accessible locations.
- (d) Minimize visual intrusion by minimizing the visibility of parking, storage or other outdoor service areas viewed from public ways or premises residentially used or zoned; minimizing glare from headlights through plantings or other screening; minimizing lighting intrusion through use of such devices as cutoff luminaires confining direct rays to the site; fixture mounting height not higher than 20 feet ~~except adjacent to Route 9~~; and avoiding unreasonable departure from the character of buildings in the vicinity.
- (2) The Planning Board shall adopt and from time to time amend reasonable regulations for the administration of these guidelines.
- E. The Planning Board shall hold a public hearing on the application for **major** site plan approval, with a written notice of the time and place of said hearing being given the applicant and the Board of Selectmen. The applicant is responsible for sending this notice to the certified abutters by certified mail return receipt requested, at least 10 days before the scheduled hearing. The Planning Board shall not act on the application until it has received and given due consideration to the recommendations of the Board of Selectmen or until 10 days have elapsed after the public hearing without receipt of the Selectmen's comments.
- F. The Planning Board shall act on ~~an~~ **complete** application for **major** site plan approval and shall notify, in writing, the applicant, the Board of Selectmen and the Building **Commissioner** ~~Inspector~~ of its action within 60 days of the receipt of ~~a the complete~~ application **filed with the Town Clerk, but the required time may be extended by written agreement between the applicant and the Board, a copy of said agreement to be filed with the Town Clerk.** ~~Failure of the Planning Board to so act and to notify the applicant within said 60 days shall constitute approval of the site plan.~~ **Upon site plan approval, applicant shall provide final plan sets for Planning Board endorsement, followed by a digital copy after Planning Board signatures.** The actions allowed by the **major** site plan approval are authorized for a one-year period from the date of grant thereof. The applicant shall be granted a single one-year extension by applying to the Planning Board, in writing, prior to the date of expiration. If the actions permitted are not exercised or the approval not extended, they shall lapse, and a new application, notice and hearing will be required.
- G. Any person aggrieved by the action of the Planning Board on ~~a~~ **either minor or major** site plan approval application may appeal said action to a Court of competent jurisdiction in accordance with M.G.L. c.40A, Section 17, **as amended. No action shall take effect until twenty days have lapsed after the decision has been filed in the office of the Town Clerk and any appeals have been resolved.**

[Amended 5-22-2018 STM by Art. 3]

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- H. Minor departures from the site plan as approved, may be authorized by the Building ~~Commissioner Inspector~~ after approval of the ~~Planning Board Site Plan Review Committee~~ if required by engineering or other circumstances not foreseen at the time of plan approval. Any change increasing the size of any building or structure, changing the location of any building, parking or access road by more than 10 feet or reducing landscaping or screening **or increase to site lighting levels** may be made only through review by the Planning Board following the same procedures as for an original submittal. Any departure must be requested, in writing, with the basis for the change given. Any change authorized shall be recorded on the file copy of the site plan with the Building ~~Commissioner Inspectors~~ signature and the date.
- I. The removal, fill or change of grade of earth materials, including soil, loam, sand or gravel, undertaken in order to construct or locate buildings, structures and such features accessory thereto as ways, driveways, areaways, walks or parking areas, and therefore exempt from regulations under Chapter 85 of this Code, is a part of construction and development process regulated by the Zoning Chapter. Except as necessary for the construction of detached one- or two-family dwellings and of features accessory thereto, the removal, fill or change of grade of earth materials for the purposes defined above shall be subject to approval under this section. Where the commencement of removal, fill or change of grade of earth materials precedes construction by three months or more, the submission and approval of the site plan may be undertaken in two stages, with the information for the first stage limited to property boundaries, existing and proposed topography at two-foot or lesser contour intervals, the character of the soil to be removed, added or relocated, the location and depth of any service and drainage conduits or pipes and the approximate location of any existing or proposed buildings, structures or physical features accessory thereto. Each stage shall be treated as a separate site plan for the purposes of this section, and the approval of Stage 1 of a site plan shall not be construed to assure the subsequent approval of Stage 2.
- J. Compliance. The issuance of an occupancy permit will not be given prior to the satisfactory completion of all elements and conditions of the approved site plan. A temporary occupancy permit may be issued after the satisfactory completion of all items essential to public health and safety and sufficient bonding acceptable to the Planning Board is provided to the Town to cover all outstanding items.
- ; or do or act anything in relation thereto.

**Proposed by: PLANNING BOARD**

**Board of Selectmen Recommendation:** At Town Meeting

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *This article proposes to amend the Site Plan Approval bylaw by bringing minor site plan approval under the purview of the Planning Board, as opposed to the Site Plan Review Committee and further clarify steps for minor and major site plan approval.*

**MOTION MADE:** I move that the Town of Southborough vote to amend the Zoning Code of the Town of Southborough, Article III entitled "Use Regulations" by amending thereto Section 174-10, entitled "Site Plan Approval", as printed in the warrant.

**AMENDMENT MADE:** I move to amend by adding the following words "Failure of the Planning Board to so act and to notify the applicant within said 60 days shall constitute approval of the site plan.", after the words "copy of said agreement to be filed with the Town Clerk."

**AMENDMENT PASSED BY MODERATOR DECLARED 2/3 MAJORITY.**

**MOTION AS AMENDED PASSED BY MODERATOR DECLARED 2/3 MAJORITY.**

**ARTICLE 37:** To see if the Town of Southborough will vote to approve the Southborough Noise Bylaw proposal attached to this document, as amended, or do or act anything in relation thereto.

**SOUTHBOROUGH NOISE BYLAW**

**1.1 Declaration of Policy**

Whereas excessive sound can be a serious hazard to the public health and welfare and safety and the quality of life; and whereas a substantial body of science and technology exists by which excessive sound may be substantially abated; and whereas the citizens of

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Southborough have a right to and should be ensured an environment free from excessive sound that may jeopardize their health or welfare or safety or degrade the quality of life; now, therefore, it is the policy of the Town of Southborough (the "Town") to prevent excessive sound which may jeopardize the health and welfare or safety of its citizens and/or degrade the quality of life.

It shall be unlawful for any person to make, continue to make, permit or cause to be made or continued, any loud, excessive, unnecessary or unusually loud noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of reasonable persons of normal sensitivities. Furthermore, it shall be unlawful for any person who has custody and control of the premises to allow or permit another person to make, continue or permit to be made or continued any loud, excessive, unnecessary or unusually loud noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of reasonable persons of normal sensitivities within the limits of the Town of Southborough.

## 1.2 Definitions

Except as may be specified herein, acoustical terminology used throughout this Bylaw is that approved as American National Standard Acoustical Terminology [ANSI S1.1-1994] by the American National Standards Institute (ANSI). The following words, phrases and terms as used in this Bylaw shall have the meanings as indicated below:

- A. BACKGROUND SOUND LEVEL shall mean the sound level associated with a given environment, being a composite of sounds from all sources excluding the alleged offensive noise, at the location and approximate time at which a comparison with the alleged offensive noise is to be made.
- B. CONSTRUCTION shall mean those activities requiring a building permit, and shall also include any site preparation, cemetery burial and caretaking operations, seismic surveys grading, assembly, erection, substantial repair, alteration, or similar action, including demolition, for or of public or private rights-of-way, structures, utilities or similar property.
- C. The abbreviation dBA shall mean the A-weighted sound pressure level expressed in decibels and referenced to 20 Micropascals. The abbreviation dBC shall mean the C-weighted sound pressure level expressed in decibels and referenced to 20 Micropascals.
- D. EMERGENCY VEHICLE: shall mean any vehicle operated in an effort to protect, provide or restore public safety, including, but not limited to, ambulances, police vehicles and fire vehicles.
- E. EMERGENCY WORK: shall mean any work performed in an effort to protect, provide or restore public safety, or work by private or public utilities when restoring utility service or any work performed for the purpose of preventing or alleviating the physical trauma or physical damage threatened or caused by an emergence – an occurrence or set of circumstances involving actual or imminent physical trauma or property damage.
- F. ENFORCING PERSON: shall mean any police officer, building official or public health official of the Town or any other Town employee designated by the Town Manager for this purpose.
- G. IMPACT DEVICE: shall mean a construction device in which or by which a hammer, meaning a moving mass of hard solid material, is mechanically by means of a working fluid or compressed air caused to repetitively impact upon and transmit kinetic energy to a tool. The tool may be included as a part of the device, as in the case of a moil on a paving breaker or the drill steel of a jackhammer, or it may be a mass to which the impact device is temporarily connected as in the case of a pile and pile driver. Examples of impact devices are pile drivers, paving breakers, power impact hammers, impact wrenches, riveters and stud drivers.
- H. INTRUDING NOISE: shall mean the total sound level created, caused, maintained by, or originating from an alleged offensive source at a specified location while the alleged offensive source is in operation.



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- I. **PERSON:** shall mean a person, firm, association, co-partnership, joint venture, corporation or any entity recognized by applicable law, public or private in nature.
- J. **SOUND LEVEL:** shall mean the instantaneous A-weighted sound pressure level, in decibels, (dBA) as measured with a sound level meter set to the “A” weighting scale, slow response. On the decibel scale a sound level increase of 10 means the sound is 10 times more intense or powerful.

Decibel levels of some common activities are listed below:

Sound Level - dB	Source
50 - 65	normal conversation
60 - 65	laughter
70	hair dryer, vacuum
<b>V    Increasing risk of hearing loss    V</b>	
80	garbage disposal
85 - 90	lawnmower
100	garbage truck
120	walk behind leaf blower
130	jet takeoff/landing
145	fireworks

- K. **SOUND LEVEL** METER: shall mean an instrument meeting American National Standard Institute's (ANSI) Standard S1.4-1983 for Type 1 or Type 2 sound level meters or an instrument and the associated recording and analyzing equipment, which will provide equivalent data.

### 1.3 Designated Noise Zones

The properties hereinafter described are hereby assigned to the following noise zones:

**NOISE ZONE I:** All properties utilized as residential uses in accordance with the Town of Southborough Zoning Bylaws and the grounds of any school, hospital or similar health care institution, house of worship or library while the same is in use, and any Cemetery or Open Space.

**NOISE ZONE II:** All other property used in accordance with the Town's Zoning Bylaw.

### 1.4 Exterior Noise Standards

It shall be unlawful for any person at any location within the area of the Town to create any loud noise, or to allow the creation of any noise, on property owned, leased, occupied or otherwise controlled by such person, which causes the sound level when measured on complainant's property to exceed the greater of:

- A. The maximum allowable exterior sound level outlined in Table I; or

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B. Five dB over the background sound level.

Table 1. Maximum Allowable Exterior Sound Level		
Noise Level	Daytime level 7:00 AM to 10:00 PM	Nighttime level 10:00 PM to 7:00 AM
I	60 dBA	50 dBA
II	70 dBA	65 dBA

If the intruding noise source is continuous and cannot reasonably be discontinued or stopped for a time period whereby the background sound level can be determined, the measured sound level obtained while the source is in operation shall be compared directly to the maximum allowable exterior sound level outlined in Table I.

#### 1.5 Construction Noise Standards

A. Noise associated with construction is permitted between 7:00 AM and 6:00 PM on weekdays and 9:00 AM and 5:00 PM Saturdays provided the sound level from:

1. Non-impact devices do not exceed 70 dBA as measured over a time interval of 1 minute with the sound meter set to slow located on any other property, but at least 50 feet from the construction activity;
2. Impact devices does not exceed 90 dBA as measured with a sound level meter set to slow response located on any other property, but at least 30 feet from the construction activity.

B. Between the hours of 6:00 PM and 7:00 AM on weekdays and Saturday, noise associated with construction, shall be limited by the standards of Section 1.4.

C. Construction activities shall not be allowed on Sundays or legal holidays.

#### 1.6 Maintenance Noise Standards

A. Noise associated with maintenance is permitted between 7:00 AM and 6:00 PM on weekdays, 8:00 AM and 6:00 PM on Saturdays and between the hours of 9:00 AM and 6:00 PM on Sunday, provided the sound level does not exceed 70 dBA as measured with a sound level meter set to slow response on any other property, but at least 50 feet from the maintenance;

B. Between the hours of 6:00 PM and 7:00 AM on weekdays, 6:00 PM and 8:00 AM on Saturday and between the hours of 6:00 PM and 9:00 AM on Sunday or a legal holiday, noise associated with maintenance, shall be limited by the standards of Section 1.4.

#### 1.7 Commercial Trash Collection and Deliveries or Pick-up

A. The operation of commercial trash compactors or collection of trash, rubbish, refuse or debris, which generates noise in excess of the criteria given in Section 1.4 at any point of public or common pass-by between the hours of 7:00 PM and 7:00 AM is prohibited.

B. Deliveries or pick-ups for commercial or business purposes between 10:00 PM and 6:00 AM are prohibited unless the noise level of such deliveries or pick-ups in nearby residential areas does not exceed the noise criteria listed in Section 1.4.

#### 1.8 Motor Vehicles or Motorcycles

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Motor vehicles or motorcycles operated on public ways in the Town of Southborough or in any place where the public has the right of access as invitees or licensees may not exceed a maximum sound level of 85 dBA. It is also in violation of the Bylaw to operate a motor vehicle or motorcycle without a sound-limiting device connected to the exhaust system. This prohibits so-called "straight pipe" exhaust systems. This section shall not include screeching sounds emitted from emergency braking. Measurement for the purposes of this Section shall be at a distance of 36 inches from the noise source.

### 1.9 Special Provisions

Noise associated with the following activities shall be exempted from the provisions of this Bylaw:

- A. Emergency work or emergency vehicles.
- B. The operation of any vehicular alarm provided it terminates within 15 minutes of the initially recorded complaint.
- C. Occasional outdoor gatherings, public dances, shows, and sporting and entertainment events provided said events are conducted pursuant to a permit or license issued by the appropriate jurisdiction relative to the staging of said events.
- D. The intermittent or occasional use, during the daytime, of homeowners' light residential outdoor equipment
- E. Snow removal performed by snow blowers, snow throwers or snow plows when appropriately outfitted with a muffler.
- F. Any activity to the extent regulation thereof has been preempted by Town, State or Federal Law or by agreement between Town, State or the Federal Government.

### 1.10 Prima Facie Violations

Any measured noise exceeding the sound level standards as specified in Sections 1.4 through 1.10 may be deemed by the enforcing person to be prima facie evidence of a violation of the provisions of this Bylaw.

### 1.11 Penalties for Violations

- A. Violations under Article 1, in the discretion of the enforcing person, may be enforced by non-criminal disposition as provided in MGL Chapter 40, Section 21D.
- B. The penalty for a violation under this Bylaw shall be \$100 for a first offense, \$250 for a second offense, \$500 for a third offense, and for each succeeding offense each day or part thereof shall constitute a separate offense.

**Proposed by:** PETER LAPINE, et al.

**Board of Selectmen Recommendation:** Not Support

**Advisory Committee Recommendation:** Not Support

**Summary:** *As the population of Southborough grows, it has transitioned from a rural community to one that is more suburban. People move to Southborough to enjoy its natural beauty and peaceful environment. With increased housing density, practices of earlier times increasingly encroach upon the tranquility of Town residents, resulting in conditions characterized as being out of balance. There is an ever-growing requirement to place limits on these practices – a rebalancing - so that everyone, business owners and homeowners alike, may prosper. This article, a Noise Bylaw, seeks to harmonize the needs of Town residents with those of local business owners.*

**MOTION MADE:** I move that the Town vote to amend the Town Code of the Town of Southborough, Article 2, entitled General Legislation, by creating a new Chapter 119, entitled Noise Regulations, to include the content of Article 37 in the 2021 Southborough Town Warrant.

**AMENDMENT MADE:** I move that the Town vote to amend the motion by adding to section 1.9, G. "Noise produced by animals, either wild or domestic." After the words "... Town, State or the Federal Government."

**AMENDMENT FAILED.**

**MOTION TO INDEFINITELY POSTPONE THE ARTICLE PASSED.**

**ARTICLE 38:** To see if the Town of Southborough will vote to pass a bylaw to reduce plastic waste

Section 1 Purpose and Intent

The production and use of single-use plastics such as polystyrene food packing and thin-film plastic checkout bags have significant impacts on the environment, including, but not limited to, contributing to the potential death of aquatic and land animals through ingestion and entanglement; contributing to pollution of the natural environment; creating a burden to solid waste collection and recycling facilities; clogging drainage systems; and requiring the use of millions of barrels of crude oil nationally for their manufacture. Additionally, polystyrene contains known carcinogens, and readily leaches into certain foodstuffs. Measurable levels of polystyrene are now found almost 100% of human fat samples.

The purpose of this bylaw is to preserve the Town's water, wildlife and natural resources—as well as to enhance the health of its citizens—by banning within the Town of Southborough two of the largest contributors of non-recyclable plastics to the environment—single-use polystyrene retail food packaging and single-use plastic checkout bags—while promoting the adoption of more environmentally friendly alternatives.

Section 2 Definitions

“Polystyrene food packaging” – means any holder of food or beverage made from polystyrene, either in solid or foam (Styrofoam) form, such as cups, plates, or take-out containers, as well all other single-use plastic products made to facilitate the consumption of foods, such as straws, lids and utensils made from polystyrene or other non-compostable plastic materials.

“Checkout bag” – means a carryout bag provided by a store to a customer at the point of sale. Checkout bags shall not include bags, whether plastic or not, in which loose produce or products are placed by the consumer to deliver such items to the point of sale or checkout area of the store.

“Retail Store” – means any business facility that sells goods directly to the consumer whether for or not-for-profit, including, but not limited to, retail stores, restaurants, pharmacies, convenience and grocery stores, liquor stores, as well as seasonal and temporary businesses.

“Reusable checkout bag” – means a bag with handles that is specifically designed and manufactured for multiple reuse and is either polyester, polypropylene, cotton or other durable material, or durable plastic that is at least 4.0 mils in thickness.

“Thin-film single-use plastic bags” – are those bags typically with handles, constructed of high-density polyethylene (HDPE), low density polyethylene (LDPE), linear low density polyethylene (LLDPE), polyvinyl chloride (PVC), polyethylene terephthalate (PET), or polypropylene (other than woven and non-woven polypropylene fabric), if said film is less than 4.0 mils in thickness

“Recyclable paper bag” – means a paper bag that is 100 percent recyclable and contains at least 40% post-consumer recycled content, and displays the words “recyclable” and “made from 40% post-consumer recycled content” in a visible manner on the outside of the bag

Section 3 Use Regulations

(A) Polystyrene food packaging shall not be distributed, used, or sold by any retail store within the town of Southborough.

(B) Thin-film single-use plastic bags shall not be distributed, used, or sold for checkout or other purposes at any retail store within the Town of Southborough.

(C) If a retail store provides or sells checkout bags to customers, the bags must be one of the following (1) recyclable paper bags, or (2) reusable checkout bags. The retail store may charge for said bags.

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(D) Thin-film plastic bags used to contain dry cleaning, newspapers, produce, meat, bulk foods, wet items and other similar merchandise, typically without handles, are still permissible.

(E) Violation of the By-Law to Reduce Plastic Waste: First offense – written warning; 2nd offense - \$100 per offense; 3rd and subsequent offenses - \$250 per offense.

**Section 4 Effective Date**

This bylaw shall take effect six (6) months following Town Meeting approval of the bylaw. Upon application of the owner or the owner's representative, the Board of Selectmen or their designee may exempt a retail store from the requirements of this section for a period of up to two (2) months upon a finding by the Board of Selectmen or their designee that (1) the requirements of this section would cause undue hardship; or (2) a retail store requires additional time in order to draw down an existing inventory of straws or checkout bags.

**Section 5 Enforcement**

Enforcement of this bylaw shall be the responsibility of the Board of Selectmen or their designee. The Board of Selectmen or their designee shall determine the monitoring process to be followed, which may be limited to responding to citizen reports, and incorporating the monitoring process into other town duties as appropriate. Any retail store distributing plastics in violation of this bylaw shall be subject to fines as described in Section 3 (E) above. Any such fines shall be paid to the Town of Southborough. No licenses shall be renewed for any establishment with outstanding violations under this section.

**Section 6 Severability**

If any provision of this bylaw is declared invalid or unenforceable the other provisions shall not be affected thereby.  
; or to do or act anything in relation thereto.

**Proposed by:** MICHAEL WEISHAN, ET AL.

**Board of Selectmen Recommendation:** At Town Meeting

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *This proposed bylaw would make a marked contribution to the health of both the citizens of Southborough and the overall environment by banning single-use plastic bags, Polystyrene cups, straws, utensils etc. at all retail establishments in Southborough.*

**INDEFINITELY POSTPONED – COMBINED VOTE**

**ARTICLE 39:** To see if the Town of Southborough will vote to strongly request that the Board of Selectmen direct DPW to conduct an analysis of Flagg Road for the purpose of instituting a commercial truck exclusion (similar to Latisquama Road), or do or act anything in relation thereto.

**Proposed by:** JONAS LINDEN, ET AL.

**Board of Selectmen Recommendation:** No position

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *Due to increased pedestrian and bicycle activity on Flagg Rd and documented cases of trucks driving into yards and destroying property, including dangerous tractor trailer activity resulting in a tow off Trottier School children's path, we are strongly requesting the Board of Selectmen direct DPW to conduct an analysis of Flagg Road for the purpose of instituting a commercial truck exclusion.*

**MOTION MADE:** That the Town vote to strongly request that the Board of Selectmen direct DPW to conduct an analysis of Flagg Road for the purpose of instituting a commercial truck exclusion (similar to Latisquama Road).

**MOTION PASSED.**

**MOTION TO DISSOLVE THE ANNUAL TOWN MEETING AT 4:40PM PASSED.**

True Copy

Attest:

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James F. Hegarty, Town Clerk



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The Special Town Meeting was duly called on Monday November 1, 2021, 7:00PM and held in the gymnasium and auditorium of the Trottier Middle School, 49 Parkerville Road. Town Moderator Paul M. Cimino called the meeting to order at 7:09PM and announced that there a quorum was present (100 voters = quorum) (284 voters were present). Roger W. Challen was appointed to be the Deputy Moderator in the auditorium. Per the direction of the Board of Health, attendees were instructed to always wear masks. The following Articles were voted on in a legal manner.

**MOTION MADE:** I move to dispense with the reading of the Warrant for the meeting and the officer's return of service and to waive the reading of the separate articles of the warrant.

**MOTION PASSED.**

**ARTICLE 1:** To see if the Town will vote to accept the following change to the Personnel Bylaw Entitled "The Salary Administration Plan," as specified in Chapter 31 of the Code of the Town of Southborough entitled PERSONNEL: include a position titled "Senior IT Specialist" in Section 20, Schedule A at Grade 7.

**PERSONNEL BYLAW  
ENTITLED "THE SALARY ADMINISTRATION PLAN"  
[Revised at November 1, 2021 Fall Town Meeting]**

This bylaw establishes a Salary Administration Plan for the Town of Southborough that (i) groups position classifications in Town services, (ii) establishes salary schedules and employee benefits and (iii) establishes and authorizes the Personnel Board to administer the bylaw and to represent the interest of both the taxpayers and the Town employees.

This Salary Administration Plan applies to the positions of all officers and employees in the service of the Town, whether full-time, part-time, temporary, seasonal, special or any other, except those positions filled by popular election, under the direction and control of the School Committee, performed pursuant to a contract approved by the Town or encompassed in any officially recognized labor union and/or association. The positions covered by this Salary Administration Plan are hereby classified by titles in the groups listed in Schedule A through G ("Classification Schedule") as set forth in Section 20 of this bylaw.

The classification of positions subject to the Massachusetts Welfare Compensation Plan (as amended) and the scheduled rates therefor, as well as the applicable provisions of the Massachusetts General Laws relating to the application of rates set forth in the aforementioned Welfare Compensation Plan are hereby incorporated by reference.

**SECTION 20: CLASSIFICATION SCHEDULE**

**SCHEDULE A: FULL-TIME SALARY GRADED POSITIONS**

<b>POSITION TITLE</b>	<b>PAY GRADE</b>
<b>DEPARTMENT HEADS &amp; MANAGEMENT STAFF</b>	
Superintendent of Public Works*	9
Finance Director/Treasurer-Collector*	

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Assistant Town Administrator	8
Director of Facilities	
Library Director	
Building Commissioner	
IT Manager	
Police Lieutenant	
Town Accountant*	
Director, Council on Aging	
Principal Assessor*	
Conservation Agent	7
Director, Youth & Family Services	
Director of Recreation	
Town Planner	
<b>Senior IT Specialist</b>	

<b>SUPERVISORS &amp; TECHNICAL STAFF</b>	
Assistant Town Clerk	6
Assistant Director, Youth & Family Services	
Outreach Coordinator	
Assistant Library Director	
Police Business Administrator	
Program Manager, COA	
Business Administrator II	5
Children's Librarian	
Staff Engineer	
Executive Assistant to the Board of Selectmen	



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Program Coordinator	
Deputy Assessor	
Business Administrator I	4
Maintenance Technician	
Assistant Treasurer/Collector	
Assistant Town Accountant	
<b>ADMINISTRATIVE &amp; SUPPORT STAFF</b>	
Administrative Assistant	3
Senior Library Assistant	
Library Assistant	2
Maintenance Mechanic	
Maintenance Custodian	1

\*when not under contract

**Rates for Full-Time Positions**

Grade	Minimum		Midpoint		Maximum	
	Annual	Hourly	Annual	Hourly	Annual	Hourly
1	\$39,236	\$18.86	\$45,149	\$21.71	\$51,063	\$24.55
2	\$42,178	\$20.28	\$48,505	\$23.32	\$54,832	\$26.36
3	\$45,341	\$21.80	\$52,143	\$25.07	\$58,945	\$28.34
4	\$50,446	\$24.25	\$59,274	\$28.50	\$68,103	\$32.74
5	\$54,230	\$26.07	\$63,719	\$30.63	\$73,209	\$35.20
6	\$58,297	\$28.03	\$68,498	\$32.93	\$78,700	\$37.84
7	\$70,063	\$33.68	\$84,077	\$40.42	\$98,089	\$47.16
8	\$82,325	\$39.58	\$98,790	\$47.50	\$115,255	\$55.41
9	\$96,731	\$46.51	\$116,077	\$55.81	\$135,424	\$65.11

, or do or act anything in relation thereto.

**Proposed by: PERSONNEL BOARD**

**Board of Selectmen Recommendation:** Support, 5-0-0

**Advisory Committee Recommendation:** At Town Meeting

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**Summary:** *The Personnel By-Law governs policies and pay structures for non-union employees. The position "Senior IT Specialist" is being added to Grade 7 of the Classification Schedule, which will support the funding request that was approved by Town Meeting in May 2021.*

**MOTION MADE:** I move Article 1 as printed in the warrant.

**MOTION PASSED.**

**ARTICLE 2:** To see if the Town will vote to amend the Town's General and Zoning Bylaws by changing the term "Board of Selectmen" to "Select Board" in all mentions of the same throughout the entirety of the General and Zoning Bylaws, or do or act anything in relation thereto.

**Proposed by:** BOARD OF SELECTMEN

**Board of Selectmen Recommendation:** Support, 5-0-0

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *The name change is to promote inclusion and diversity in Southborough's town government. The board will remain under the current confines of the Board of Selectmen authority. Over 100 towns in the Commonwealth have already adopted the name change.*

**MOTION MADE:** I move that the Town vote to amend the Town's General and Zoning bylaws, by changing the term "Board of Selectmen" to "Select Board" as printed in the warrant.

**MOTION PASSED BY MODERATOR DECLARED 2/3rd MAJORITY.**

*Approved by the Attorney General on February 11, 2022.*

**ARTICLE 3:** To see if the Town will vote to amend Article 7 of the May 22nd, 2022 Annual Town Meeting as follows:

<u>Budget 542 - Board of Health FY22</u>	<u>Original Vote</u>	<u>Proposed Amended Amount</u>	<u>Change</u>
51000-51990 Personal Services	132,068	201,291	69,223
52000-58990 Other Charges & Expenses	70,624	70,624	-
<b>TOTAL</b>	<b>202,692</b>	<b>271,915</b>	<b>69,223</b>

Budget 910 - Employee Benefits FY22

910-51720 Health Insurance	5,283,905	5,303,302	29,397
910-51780 Dental Insurance	248,964	250,026	1,062

And to increase the Total raise and appropriate FY22 budget by \$99,682;

And further to amend Article 8 of the May 22, 2022 Annual Town Meeting as follows:

<u>Water Enterprise Fund 6161</u>	<u>Original Vote</u>	<u>Proposed Amended Amount</u>	<u>Change</u>
400-450-56940 Mass Water Resources - Water	1,420,000	1,270,000	-150,000

, or act or do anything in relation thereto.

**Proposed by:** BOARD OF HEALTH and BOARD OF SELECTMEN

**Board of Selectmen Recommendation:** Support, 5-0-0

**Advisory Committee Recommendation:** At Town Meeting

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**Summary:** *The BOH is requesting an increase for the Public Health Director and Public Health Nurse salary and benefits line items. This was not brought forward at annual town meeting to allow for the town to take advantage of FEMA and CARES funding. The incremental is to cover the remainder of FY22 that is not budgeted for. In addition, the Board of Selectmen is looking to reduce the line item for the MWRA water assessment in the Water Enterprise Fund. It has been determined that the amount voted in May can be reduced as the MWRA water assessment figures have been refined.*

**MOTION:** I move to amend the FY 2022 Budget as voted under Article 7 of the 2021 ATM, May 22, 2021, by raising and appreciating the sum of \$99,682 to be spent under budget 542 & budget 910 as described in the printed warrant and further to reduce the MWRA Assessment line item in the FY 2022 Water Enterprise Fund by the sum of \$150,000.

**AMENDMENT:** I move to amend the main motion of Article 3 by removing all references to Budgets 542 & 910 in the warrant.

**AMENDMENT PASSED.**

**MAIN MOTION AS AMENDED PASSED.**

**ARTICLE 4:** To see if the Town will vote to raise and appropriate, or transfer from available funds a sum of money for General Government capital items for the following purposes:

	Description	Request	Levy	Other Funds
A.	Engineering/Capital Feasibility Studies	\$ 30,000	\$ 30,000	
B.	IT: Server replacements	\$ 85,000	\$ 85,000	

, or act or do anything in relation thereto.

**Proposed by:** BOARD OF SELECTMEN

**Board of Selectmen Recommendation:** At Town Meeting

**Advisory Committee Recommendation:** At Town Meeting

**Summary:**

*A. This item will allow the Capital Planning Committee along with numerous other town Boards, Committees, and Department Heads to continue exploration and any other preliminary design in developing a comprehensive capital plan related to the building needs of all town departments currently located in the Town House, Cordaville Hall, South Union School, DPW Facility, Library and School Administration space. Any proposed funds to be spent with this article will only be allowed after a presentation to and authorization by the Board of Selectmen.*

*B. This item will replace our 3 physical servers and upgrade our licensing. The current set up of servers have reached their end-of-life support. Also, the current configuration is insufficient for the number of virtual servers (VM's) that are currently set up. Memory on all of the host servers is approaching maximum utilization and storage has also reached its capacity. We currently have 14 VM's that reside on 3 host (physical) servers, 9 of which are critical for all town services including public safety. Servers that are on-premise currently need to remain that way to support the public safety complex and internal domain resources. Domain resources include print server, domain controller and file server.*

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**MOTION MADE:** I move that the town vote to transfer from free cash \$30,000 for engineering capital feasibility studies and \$85,000 for IT Server replacement.

**MOTION PASSED.**

**ARTICLE 5:** To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$25,000 for the purpose of funding a comprehensive traffic study for the Town of Southborough that will determine the most optimal routes for heavy commercial vehicles travelling through Town, or act or do anything in relation thereto.

**Proposed by:** BOARD OF SELECTMEN

**Board of Selectmen Recommendation:** Support, 5-0-0

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *The Board of Selectmen has received requests for truck exclusions on various roads. Due to requirements from Mass DOT, alternative routes must be determined in order to put new exclusions in place. This study will be used to determine the best routes for trucks to travel through Southborough.*

**MOTION MADE:** I move that the Town vote to transfer \$25,000 from free cash for the purpose of funding a comprehensive traffic study as listed in the printed warrant.

**MOTION PASSED.**

**ARTICLE 6:** To see if the Town will vote to amend the provisions of the Southborough Code, Section 9.8 and 9.12 thereof, as follows:

**§ 9-8 Establishment; membership; residence requirements. [Amended 4-12-1999 STM by Art. 1; 10-21-2002 STM by Art. 7; 4-15-2008 ATM by Art. 34]**

There shall be an Advisory Committee, which shall consist of ~~nine~~ seven voters of the Town. No member shall be appointed who is a Town officer, employee or member of another Town committee, appointed or elected; provided, however, that an Advisory Committee member may belong to one ad hoc committee that is appointed by an elected board or official, or one other committee appointed by the Moderator under the following restrictions:

A. The Advisory member's participation is approved by majority vote of the Advisory Committee excluding the member desiring to participate in the above committees.

B. The Advisory member may not vote or be counted for purposes of a quorum during Advisory meetings when matters subject to the jurisdiction of the above other committees are presented to the Advisory Committee.

**§ 9-12. Appointment of Chairman and Secretary.**

Said Committee shall choose from its membership a Chairman, a Vice-Chairman and a Secretary.  
, or act or do anything in relation thereto.

**Proposed by:** ADVISORY COMMITTEE

**Board of Selectmen Recommendation:** Support, 5-0-0

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *The proposed article makes the following changes to the current Advisory by-law:*

*§ 9-8 - Proposed article (1) reduces the number of members on the Advisory committee from nine to seven.*

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*§ 9-12 –Proposed article adds the office of Vice-Chairman.*

**MOTION MADE:** I move that the Town vote to amend sections 9.8 and 9.12 of the Town Code to reduce the number of members on the Advisory Committee from nine (9) to seven (7) in section 9.8 and to change the officers of the Advisory Committee to Chair, Vice Chair and Secretary from the current Chairmen and Secretary in section 9.12.

**MOTION PASSED.**

*Approved by the Attorney General on February 11, 2022.*

**ARTICLE 7:** To see if the Town will vote to amend the provisions of the Southborough Code, Chapter 41-2 entitled Notice of Town Meetings by appending the following language to the section:

“and fourteen days, at least, before the time appointed for a Special Town Meeting.”

, or act or do anything in relation thereto.

**Proposed by:** TOWN CLERK

**Board of Selectmen Recommendation:** Support, 5-0-0

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *This language clarifies the existing bylaw so it complies with G.L. Ch. 39, S 10.*

**MOTION MADE:** I move Article 7 as printed in the warrant.

**MOTION PASSED.**

*Approved by the Attorney General on February 11, 2022.*

**ARTICLE 8:** To see if the Town will vote to amend the provisions of the Southborough Code, by creating a new section §41-2.1 entitled Location of Town Meeting by adding the following:

§ 41-2.1 Location of Town Meeting

Due to reasons such as a lack of physical capacity in a suitable auditorium or other facility in Southborough, or an emergency, the Board of Selectmen may specify in a warrant for an annual or special town meeting that the meeting is to be held or in any town contiguous to Southborough. Town meeting may also vote to adjourn to such a facility if it deems appropriate.

, or act or do anything in relation thereto.

**Proposed by:** TOWN CLERK

**Board of Selectmen Recommendation:** Support, 5-0-0

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *This article would give the Board of Selectmen the option to direct that a town meeting be held in any of the towns contiguous to Southborough. For example, a town meeting could be held at Algonquin Regional High School if the town were unable to hold the meeting in Southborough due to a lack of physical capacity or an emergency.*

**MOTION MADE:** I move Article 8 as printed in the warrant.

**MOTION PASSED.**

*Approved by the Attorney General on February 11, 2022.*

**ARTICLE 9:** To see if the Town will vote to amend the provisions of the Southborough Code, by renaming Article III to “Annual Report”, by deleting section 41-26 in its entity, and creating a new section 41-26.1 entitled “Availability of Annual Report”, as follows:

§ 41-26.1 Availability of Annual Report

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No later than seven days before an annual town meeting, the Selectmen shall make copies of the Annual Town Report available to the public by placing it on the town website and at the Southborough Town House, or act or do anything in relation thereto.

**Proposed by:** TOWN CLERK

**Board of Selectmen Recommendation:** Support, 5-0-0

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *This article would correct the conflicting language in Southborough Town Code sections 41-2 and 41-26.*

**MOTION MADE:** I move Article 9 as printed in the warrant.

**MOTION PASSED.**

*Approved by the Attorney General on February 11, 2022.*

**ARTICLE 10:** To see if the Town will vote to amend the Town Zoning Bylaw as follows:

Part 1. Amend Article I, Miscellaneous Provisions, § 174-2 Definitions, by adding the following new terms and definitions in appropriate alphabetical order.

**BED AND BREAKFAST**

Bed and breakfast is an establishment on owner-occupied property offering transient lodging accommodations to the general public, with not more than four guest rooms and food service limited to breakfast for guests.

**CO-WORK CENTER**

A building or portion thereof used for flexible work spaces offering short-term, monthly, or longer lease periods for self-employed people or people working for different employers, and typically providing shared furnishings, equipment, and business support services.

**ESTABLISHMENT**

An institutional, business, commercial, or industrial activity that occupies all or a portion of a building; a place of business.

**FAÇADE**

The external faces of a building.

**FRONTAGE OCCUPANCY**

The percent of a lot's street frontage that is occupied by a building between the minimum and maximum front setback range.

**LANDSCAPED GREEN SPACE**

Land that is covered with grass, trees, shrubs, or other vegetation and may include a pervious walkway that meets accessibility standards.

**MICROBREWERY**

A microbrewery is a licensed establishment that produces and distributes beer, ale, or other malt beverages, and which may include accessory uses such as tours of the microbrewery, retail sales, and a taproom for on-site consumption. In addition to selling beer at retail on the

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premises, a microbrewery may act as wholesaler for beer of its own production for off-site consumption if it has a valid pub brewery license from the Commonwealth of Massachusetts.

**MIXED-USE DEVELOPMENT**

A development that includes any combination of permitted nonresidential uses and one or more dwelling units within a single structure; provided, however, that the inclusion of two (2) or more dwelling units in a mixed-use development shall not be deemed a multifamily dwelling. The ground floor facing the street shall be used only for permitted nonresidential uses, and residential dwellings cannot exceed 40% of the gross floor area of the above ground level floor space of the building (no residential dwellings in the basement level).

Part 2. Amend Article II, Establishment of Districts, **§ 174-3 Districts enumerated**, by adding the following new district:

M. Downtown District, referred to as DD

Part 3. Amend Article III, Use Regulations, **§ 174-8.C.(2)** as follows (amendment shown in *italics*)

Not more than one principal permitted use shall be located on any lot, provided that a multiple occupancy building used for the same category of use, such as retail sales and services, light manufacturing or offices in a business district or Industrial Park District, *or a mixed-use development in the Downtown District*, shall be deemed to be in a single principal permitted use.

Part 4. Amend Article III, Use Regulations, **§ 174-8, Schedule of Use Regulations**, by adding the following new section:

**§ 174-8.12 Downtown District**

A. Permitted uses are as follows:

- (1) All uses permitted in the residential districts (RA and RB).
- (2) Mixed-use development, provided that each nonresidential use in the development is a permitted use under this Section 174-8.12(A) or Section 174-8.12(B) and provided that the number of dwelling units does not exceed three (3).
- (3) Professional or business office, or bank, but not including a medical or dental office.
- (4) Custom manufacturing of custom goods sold primarily on the premises, such as a woodworking shop, shop for artisan or craftsperson, or bakery.
- (5) Bed and breakfast.
- (6) Child care center.
- (7) Co-work center.

B. Permitted uses, up to a maximum of 3,000 square feet per establishment.

- (1) Retail sales and services.
- (2) Ice cream shop, sandwich shop, candy shop, other specialty food service establishment serving walk-in customers (drive-through service is prohibited).
- (3) Restaurant, with indoor seating and outdoor seating on an adjacent patio (drive-through service is prohibited).
- (4) Personal services such as barber shop, beauty salon, tailor, or shoe repair.

C. Permitted uses by special permit from the Planning Board are as follows:

- (1) Any use listed in Subsection B exceeding 3,000 sq. ft. per establishment.
- (2) Mixed-use development that includes a nonresidential use that is a permitted use under Section 174-8.12(A) or Section 174-8.12(B) but with four (4) or more dwelling units.

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- (3) Mixed-use development that includes a nonresidential use requiring a special permit under this Section 174-8.12.
- (4) Microbrewery.
- (5) Veterinarian, animal hospital, or animal clinic.
- (6) Medical or dental office.
- (7) Multifamily dwelling, not to exceed ten (10) units.
- (8) Private garage or parking for more than three cars or more than one truck or other commercial vehicle.
- (9) Indoor recreation, athletic or exercise facility.
- D. Uses by special permit from the Zoning Board of Appeals are as follows:
  - (1) Accessory apartment.
  - (2) Conversion of a one-family house in existence for two years or longer to a two-family dwelling, on a lot with a minimum of 15,000 square feet.
  - (3) A mobile home or travel trailer used as a dwelling or business quarters for more than 30 days in a year.
- E. Prohibited uses. All uses which are not listed above, legally nonconforming or otherwise allowable by the provisions of the zoning regulations are prohibited.
- F. Development standards are as follows:
  - (1) Minimum lot area: 5,000 square feet.
  - (2) Minimum frontage: 60 feet.
  - (3) Minimum setbacks:
    - (a) Front: 10 feet.
    - (b) Rear: 35 feet.
    - (c) Side: 10 feet; 25 feet if adjacent to a residential district.
    - (d) Other street: 10 feet
  - (4) Maximum front setback: 20 feet unless waived by the Planning Board.
  - (5) Maximum Floor Area Ratio: 0.30 as of right, or a maximum of 0.50 by special permit from the Planning Board.
  - (6) Minimum landscaped green space: 20 percent. At least 50 percent of the landscaped green space shall be contiguous and located between the front building line and front lot line unless the Planning Board approves a different placement of the landscaped green space as part of Site Plan Review.
  - (7) Minimum Façade Buildout (% Lot Width) unless waived by the Planning Board.
    - (a) With less than 50 feet of frontage: N/A
    - (b) 50-80 feet of frontage: 60%
    - (c) Over 80-100 feet of frontage: 70%
    - (d) Over 100 feet of frontage: 75%
  - (8) Height regulations:
    - (a) Maximum building height: 35 feet and three stories,
  - (9) Residential dwellings. Single-family or two-family dwellings in the Downtown District shall comply with RB District standards.
- G. Building Regulations
  - (1) The principal entrance(s) to the building shall be on the front façade, which shall face the street.
  - (2) The maximum distance between street-level entrances in a single building shall be 35 feet unless waived by the Planning Board.
  - (3) The maximum depth of street-level commercial spaces shall be the lesser of 30 feet or 60



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- percent of the depth of the building unless waived by the Planning Board.
- (4) The maximum front setback in Section F(4) may be increased for purposes of amenities such as landscaping, a plaza, square, courtyard, recessed entrance, sidewalk, multi- use path, raised terrace, façade offsets, or outdoor dining, but not for vehicle use.
  - (5) Affordable housing. In any multifamily or mixed-use building with four or more units, at least 12.5 percent of the units shall be affordable housing that is eligible for the Chapter 40B Subsidized Housing Inventory (SHI) in accordance with the Chapter 40B regulations and Guidelines of the Massachusetts Department of Housing and Community Development (DHCD).
- H. The operation of any marijuana establishment as defined in MGL c. 94C, § 1, including without limitation a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana facility is prohibited in all zoning districts of the Town. This prohibition shall not apply to the sale, distribution or cultivation of marijuana for medical purposes, licensed under Chapter 369 of the Acts of 2012 and currently permitted in the Town of Southborough.

Part 5. Amend Article III, Use Regulations, by adding the following new section, **§ 174-10.2 Downtown District plan approval.**

In the Downtown District, major site plan approval shall be by special permit from the Planning Board for any use requiring a special permit. In such cases, the procedural requirements and decision criteria of § 174-9, § 174-10, and 174-10.1(A) through (C) shall apply. The Planning Board may adopt design guidelines and apply them to major site plan approval applications regardless of whether a special permit is required. The Planning Board is authorized to promulgate design guidelines to carry forth the purpose and intent of these Bylaw provisions.

Part 6. Amend Article III, Use Regulations, **§ 174-12 Parking and loading regulations**, by inserting the new Section F below and relabeling the existing Section F. Egress to Section G.

- F. Exceptions in the Downtown District. Off-street parking requirements for development in the Downtown District shall comply with Section E above except for the off-street parking requirements for the following uses:
- (1) Dwellings: two spaces for each dwelling unit, plus one space for each 80 square feet of floor area devoted to a customary home occupation or a professional use.
  - (2) Bed and breakfast: one space for each guest room plus two spaces for the owners of the premises.
  - (3) Restaurants and other places serving food or beverages: one space for each four seats.
  - (4) Mixed-use development: one space per dwelling unit and one space per 300 square feet of nonresidential floor area.
  - (5) Professional or business office: one space per 300 square feet for ground floor offices and one space per 350 square feet for offices above the first floor.

Part 7. Amend Article II, Establishment of District, **§ 174-4 Zoning Map**, by adding the new *Downtown District* to the Southborough zoning map, said district being depicted on a map as voted by the Board of Selectmen on September 21, 2021 on file with the Town Clerk fourteen (14) days prior to Town Meeting.

, or do or act anything in relation thereto.

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**Proposed by:** BOARD OF SELECTMEN

**Board of Selectmen Recommendation:** Support, 5-0-0

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *The purpose of this article is to revitalize Southborough's historic downtown district, while promoting small scale mixed-use development, diversity in housing, and connectivity. This is achieved by updating permitted uses, allowing mix-use development which entail both commercial/retail and residential in one building, and by*

**MOTION:** I move that the Town vote to amend the Town's Zoning Bylaw, by adding a new Downtown District zoning bylaw, as printed in the blue handout.

**The following is the text from the blue handout referenced in the Motion.**

**DOWNTOWN DISTRICT (DD)**

Part 1. Amend Article I, Miscellaneous Provisions, **§ 174-2** Definitions, by adding the following new terms and definitions in appropriate alphabetical order.

**BED AND BREAKFAST**

Bed and breakfast is an establishment on owner-occupied property offering transient lodging accommodations to the general public, with not more than four guest rooms and food service limited to breakfast for guests.

**CO-WORK CENTER**

A building or portion thereof used for flexible work spaces offering short-term, monthly, or longer lease periods for self-employed people or people working for different employers, and typically providing shared furnishings, equipment, and business support services.

**ESTABLISHMENT**

An institutional, business, commercial, or industrial activity that occupies all or a portion of a building; a place of business.

**FAÇADE**

The external faces of a building.

**FRONTAGE OCCUPANCY**

The percent of a lot's street frontage that is occupied by a building between the minimum and maximum front setback range.

**LANDSCAPED GREEN SPACE**

Land that is covered with grass, trees, shrubs, or other vegetation and may include a pervious walkway that meets accessibility standards.

**MICROBREWERY**

A microbrewery is a licensed establishment that produces and distributes beer, ale, or other malt beverages, and which may include accessory uses such as tours of the microbrewery, retail sales, and a taproom for on-site consumption. In addition to selling beer at retail on the premises, a microbrewery may act as wholesaler for beer of its own production for off-site consumption if it has a valid pub brewery license from the Commonwealth of Massachusetts.

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**MIXED-USE DEVELOPMENT**

A development that includes any combination of permitted nonresidential uses and one or more dwelling units within a single structure; provided, however, that the inclusion of two (2) or more dwelling units in a mixed-use development shall not be deemed a multifamily dwelling. The ground floor facing the street shall be used only for permitted nonresidential uses, and residential dwellings cannot exceed: (a) 40% of the gross floor area of the above ground level floor space of a three-story building (no residential dwellings in the basement level); or (b) 50% of the gross floor area of the above ground level floor space of a two-story building (no residential dwellings in the basement level).

Part 2. Amend Article II, Establishment of Districts, **§ 174-3 Districts enumerated**, by adding the following new district:

M. Downtown District, referred to as DD

Part 3. Amend Article III, Use Regulations, **§ 174-8.C.(2)** as follows (amendment shown in italics)

Not more than one principal permitted use shall be located on any lot, provided that a multiple occupancy building used for the same category of use, such as retail sales and services, light manufacturing or offices in a business district or Industrial Park District, or a mixed-use development in the Downtown District, shall be deemed to be in a single principal permitted use.

Part 4. Amend **Article III, Use Regulations**, § 174-8, Schedule of Use Regulations, by adding the following new section:

**§ 174-8.12 Downtown District**

I. Permitted uses are as follows:

- (1) All uses permitted in the residential districts (RA and RB).
- (2) Mixed-use development, provided that each nonresidential use in the development is a permitted use under this Section 174-8.12(A) or Section 174-8.12(B) and provided that the number of dwelling units does not exceed four (4).
- (3) Professional or business office, or bank, but not including a medical or dental office.
- (4) Custom manufacturing of custom goods sold primarily on the premises, such as a woodworking shop, shop for artisan or craftsman, or bakery.
- (5) Bed and breakfast.
- (6) Child care center.
- (7) Co-work center.

J. Permitted uses, up to a maximum of 3,000 square feet per establishment.

- (1) Retail sales and services.
- (2) Ice cream shop, sandwich shop, candy shop, other specialty food service establishment serving walk-in customers (drive-through service is prohibited).
- (3) Restaurant, with indoor seating and outdoor seating on an adjacent patio (drive-through service is prohibited).
- (4) Personal services such as barber shop, beauty salon, tailor, or shoe repair.

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- K. Permitted uses by special permit from the Planning Board are as follows:
- (1) Any use listed in Subsection B exceeding 3,000 sq. ft. per establishment.
  - (2) Mixed-use development that includes a nonresidential use that is a permitted use under Section 174-8.12(A) or Section 174-8.12(B) but with five (5) or more dwelling units.
  - (3) Mixed-use development that includes a nonresidential use requiring a special permit under this Section 174-8.12.
  - (4) Microbrewery.
  - (5) Veterinarian, animal hospital, or animal clinic.
  - (6) Medical or dental office.
  - (7) Multifamily dwelling, not to exceed ten (10) units.
  - (8) Private garage or parking for more than three cars or more than one truck or other commercial vehicle.
  - (9) Indoor recreation, athletic or exercise facility.
- L. Uses by special permit from the Zoning Board of Appeals are as follows:
- (1) Accessory apartment.
  - (2) Conversion of a one-family house in existence for two years or longer to a two-family dwelling, on a lot with a minimum of 15,000 square feet.
  - (3) A mobile home or travel trailer used as a dwelling or business quarters for more than 30 days in a year.
- M. Prohibited uses. All uses which are not listed above, legally nonconforming or otherwise allowable by the provisions of the zoning regulations are prohibited.
- N. Development standards are as follows:
- (1) Minimum lot area: 5,000 square feet.
  - (2) Minimum frontage: 60 feet.
  - (3) Minimum setbacks:
    - (a) Front: 10 feet.
    - (e) Rear: 35 feet.
    - (f) Side: 10 feet; 25 feet if adjacent to a residential district.
    - (g) Other street: 10 feet
  - (4) Maximum front setback: 20 feet unless waived by the Planning Board.
  - (5) Maximum Floor Area Ratio: 0.30 as of right, or a maximum of 0.50 by special permit from the Planning Board.
  - (6) Minimum landscaped green space: 20 percent. At least 50 percent of the landscaped green space shall be contiguous and located between the front building line and front lot line unless the Planning Board approves a different placement of the landscaped green space as part of Site Plan Review.
  - (7) Minimum Façade Buildout (% Lot Width) unless waived by the Planning Board.
    - (a) With less than 50 feet of frontage: N/A
    - (b) 50-80 feet of frontage: 60%
    - (c) Over 80-100 feet of frontage: 70%
    - (d) Over 100 feet of frontage: 75%
  - (8) Height regulations:
    - (a) Maximum building height: 35 feet and three stories,

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- (9) Residential dwellings. Single-family or two-family dwellings in the Downtown District shall comply with RB District standards.
- O. Building Regulations
- (1) The principal entrance(s) to the building shall be on the front façade, which shall face the street.
  - (2) The maximum distance between street-level entrances in a single building shall be 35 feet unless waived by the Planning Board.
  - (3) The maximum depth of street-level commercial spaces shall be the lesser of 30 feet or 60 percent of the depth of the building unless waived by the Planning Board.
  - (4) The maximum front setback in Section F(4) may be increased for purposes of amenities such as landscaping, a plaza, square, courtyard, recessed entrance, sidewalk, multi-use path, raised terrace, façade offsets, or outdoor dining, but not for vehicle use.
  - (5) Affordable housing. In any multifamily or mixed-use building with four or more units, at least 12.5 percent of the units shall be affordable housing that is eligible for the Chapter 40B Subsidized Housing Inventory (SHI) in accordance with the Chapter 40B regulations and Guidelines of the Massachusetts Department of Housing and Community Development (DHCD).
- P. The operation of any marijuana establishment as defined in MGL c. 94C, § 1, including without limitation a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana facility is prohibited in all zoning districts of the Town. This prohibition shall not apply to the sale, distribution or cultivation of marijuana for medical purposes, licensed under Chapter 369 of the Acts of 2012 and currently permitted in the Town of Southborough.

<p>Part 5. Amend Article III, Use Regulations, by adding the following new section, <b>§ 174-10.2 Downtown District plan approval.</b></p>
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In the Downtown District, major site plan approval shall be by special permit from the Planning Board for any use requiring a special permit. In such cases, the procedural requirements and decision criteria of § 174-9, § 174-10, and 174-10.1(A) through (C) shall apply. The Planning Board may adopt design guidelines and apply them to major site plan approval applications regardless of whether a special permit is required. The Planning Board is authorized to promulgate design guidelines to carry forth the purpose and intent of these Bylaw provisions.

<p>Part 6. Amend Article III, Use Regulations, <b>§ 174-12 Parking and loading regulations</b>, by inserting the new Section F below and relabeling the existing Section F. Egress to Section G.</p>
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- G. Exceptions in the Downtown District. Off-street parking requirements for development in the Downtown District shall comply with Section E above except for the off-street parking requirements for the following uses:
- (1) Dwellings: two spaces for each dwelling unit, plus one space for each 80 square feet of floor area devoted to a customary home occupation or a professional use.
  - (2) Bed and breakfast: one space for each guest room plus two spaces for the owners of the premises.

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- (3) Restaurants and other places serving food or beverages: one space for each four seats.
- (4) Mixed-use development: one space per dwelling unit and one space per 300 square feet of nonresidential floor area.
- (5) Professional or business office: one space per 300 square feet for ground floor offices and one space per 350 square feet for offices above the first floor.

Part 7. Amend Article II, Establishment of District, § 174-4 <b>Zoning Map</b> , by adding the new <i>Downtown District</i> to the Southborough zoning map.
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**FIRST AMENDMENT TO THE MAIN MOTION MADE:** I move to amend the main motion by striking section 174-8.12 C (7) in its entirety.

**FIRST AMENDMENT TO THE MAIN MOTION FAILED BY COUNTED VOTE: YEA – 100, NAY 148**

**SECOND AMENDMENT TO THE MAIN MOTION MADE:** I move to amend the main motion:

- 1) By striking the words under Part 4 Amend Article III Use Regulations 174-8 Schedule of Use Regulations 174-8, (a) Height Regulations (4) Maximum building Height 35 and “three stories” and by substituting the words “two- and one-half stories”
- 2) By striking the words: Under Part 4 Amend Article III Use Regulations 174-8 Downtown Schedule of Use Regulations 174-8.12, F. Development Standards (5) Maximum Floor Area Ratio: “0.3 as of right” and by substituting the words: “0.4 as of right” and
- 3) By striking the words: Under Part 4 Amendment III Use Regulations 174-8 Downtown Schedule of Use Regulations 174-8.12, G. Building Regulations (3) after “The maximum depth of street-level commercial spaces shall be “the lesser of 30 feet or 60% of the depth of the building unless waived by the Planning Board” and by substituting the words: “60 feet unless waived by the Planning Board” and deleting the words “or 60% of the depth of the building unless waived by the Planning Board.”  
*(The Moderator asked the resident who submitted the second amendment to the main motion to confirm the intent of part 3 of the motion was to change the allowable depth of a building to 60 feet depth with no review by the Planning Board. The resident confirmed that was his intent.)*

**FIRST AMENDMENT TO THE SECOND AMENDMENT TO THE MAIN MOTION MADE:**

I move to amend the amendment by striking the request to change the maximum building height to 2 ½ floors and having it remain at 3 floors.

**FIRST AMENDMENT TO THE SECOND AMENDMENT TO THE MAIN MOTION PASSED.**

**SECOND AMENDMENT TO THE FIRST AMENDMENT TO THE MAIN MOTION MADE:**

I move to amend the main motion by striking the words (under Definitions § 174-2) entire paragraph “Mixed-Use Development” and by substituting the words: A development that includes any combination of permitted nonresidential uses and one or more dwellings within a single structure; provided, however, that the inclusion of two (2) or more dwelling units in a mixed-use development shall not be deemed a multifamily dwelling. The total area of nonresidential uses must be equal to or greater than the gross floor area of the ground floor, and no dwellings may be built below the ground floor. Also deletes the proposed §174-8.12.F (5) entirely.

**SECOND AMENDMENT TO THE FIRST AMENDMENT TO THE MAIN MOTION FAILED.**

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*(The Moderator summarized the changes to the main motion that had been made through the multiple amendments and were the basis for the upcoming vote.)*

**MAIN MOTION AS AMENDED BY THE AMENDED SECOND AMENDMENT PASSED  
BY COUNTED VOTE: YEA – 182, NAY – 65**

*Approved by the Attorney General on February 11, 2022.*

**MOTION TO DISSOLVE THE 2021 SPECIAL TOWN MEETING PASSED AT 10:11PM.**

True Copy  
Attest:

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James F. Hegarty, Town Clerk





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The Annual Town Meeting was duly called on Wednesday, May 4, 2022 at 6:30PM and held in the auditorium at Algonquin Regional High School, 79 Bartlett Street, Northborough MA. Town Moderator Paul M. Cimino called the meeting to order at 6:41PM and announced that a quorum was present (100 voters = quorum), 231 voters were present. The following Articles were voted on in a legal manner.

**MOTION MADE:** To dispense with the reading of the Warrant for the meeting and the officer's return of service and to waive the reading of the separate articles of the Warrant.

**MOTION PASSED.**

**CONSENT LIST**

**MOTION MADE:** That the following articles be combined for one vote and to pass them:

Articles 1, 2, 3, 4, 6, 8, 11, 12, 14, 17, 18, 19, 20, 21, 22, 23 & 30

**Article 22 was held.**

**MOTION TO PASS THE REMAINING CONSENT ARTICLES PASSED UNANIMOUSLY.**

**These reports were heard:** Library by Ryan Donovan, Municipal Technology Committee by Angela Varner, Master Plan Committee by Meme Luttrell, Regional School Committee by Paul Desmond and Kathy Hervol with Gale Associates, Inc. and Advisory Committee by Kathy Cook.

**ARTICLE 1:** To hear reports of the various Town Officers and Committees and to take such action thereon as the Town may vote.

**Proposed by:** SELECT BOARD

**Select Board Recommendation:** Support (5-0-0)

**Advisory Committee Recommendation:** Support (7-0-0)

**Summary:** *To hear reports of Town Boards, Committees or Commissions.*

**PASSED – CONSENT LIST.**

**ARTICLE 2:** To see if the Town will vote to accept any sum of money from St. Mark's School, Fay School, Harvard Medical School, L'Abri Fellowship, The New England Center for Children, and any other contributor and deposit same amount in Estimated Receipts Account, and determine what disposition shall be made of the same, if accepted, or do or act anything in relation thereto.

**Proposed by:** SELECT BOARD

**Select Board Recommendation:** Support (5-0-0)

**Advisory Committee Recommendation:** Support (7-0-0)

**Summary:** *To allow the Select Board to accept donations from Tax Exempt organizations and determine the disposition of funds.*

**PASSED – CONSENT LIST.**

**ARTICLE 3:** To see if the Town will vote to authorize the Town Treasurer, with the approval of the Select Board, to borrow from time to time in anticipation of revenue of the financial year beginning July 1, 2022 in accordance with the provisions of Massachusetts General Laws, Chapter 44, and to issue a note or notes as may be given for a period of less than one year in accordance with Massachusetts General Laws, Chapter 44, Section 17 as amended, or do or act anything in relation thereto.

**Proposed by:** SELECT BOARD

**Select Board Recommendation:** Support (5-0-0)

**Advisory Committee Recommendation:** Support (7-0-0)

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**Summary:** *This article allows the Town Treasurer to short-term borrow in anticipation of revenue.*

**PASSED – CONSENT LIST.**

**ARTICLE 4:** To see if the Town will vote in accordance with the provisions of Massachusetts General Laws Chapter 30B, Section 12(b), to authorize the Select Board or the Superintendent of Schools to solicit and award contracts for terms exceeding three years, including any renewal, extension or option, provided in each instance the longer term is determined to be in the best interest of the Town by a vote of the Select Board or the School Committee, as appropriate, or do or act anything in relation thereto.

**Proposed by:** SELECT BOARD

**Select Board Recommendation:** Support (5-0-0)

**Advisory Board Recommendation:** Support (7-0-0)

**Summary:** *This article allows the Select Board and/or the School Committee to enter into contracts in excess of three years, if deemed in the best interest of the Town to do so. This has been an annual article, and the exemption has been limited to contracts of no more than seven years.*

**PASSED – CONSENT LIST.**

**ARTICLE 5:** To see if the Town will vote to accept the Personnel Salary Administration Plan, as specified in Chapter 31 of the Code of the Town of Southborough, entitled: PERSONNEL.

PERSONNEL BYLAW  
ENTITLED "THE SALARY ADMINISTRATION PLAN"  
[Revised at May 4, 2022 Annual Town Meeting]

This bylaw establishes a Salary Administration Plan for the Town of Southborough that (i) groups position classifications in Town services, (ii) establishes salary schedules and employee benefits and (iii) establishes and authorizes the Personnel Board to administer the bylaw and to represent the interest of both the taxpayers and the Town employees.

This Salary Administration Plan applies to the positions of all officers and employees in the service of the Town, whether full-time, part-time, temporary, seasonal, special or any other, except those positions filled by popular election, under the direction and control of the School Committee, performed pursuant to a contract approved by the Town or encompassed in any officially recognized labor union and/or association. The positions covered by this Salary Administration Plan are hereby classified by titles in the groups listed in Schedule A through G ("Classification Schedule") as set forth in Section 20 of this bylaw.

The classification of positions subject to the Massachusetts Welfare Compensation Plan (as amended) and the scheduled rates therefor, as well as the applicable provisions of the Massachusetts General Laws relating to the application of rates set forth in the aforementioned Welfare Compensation Plan are hereby incorporated by reference.

**SECTION 1. DEFINITIONS**

As used in this bylaw, the following words and phrases shall have the following meanings:

"Administrative Authority" means the elected or appointed official or board having jurisdiction over a function or activity.

"Base Pay" means the compensation paid by the Town of Southborough for the purposes of determining retirement credits and contributions for Town employees.

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The Town shall contribute funds as required for each eligible employee in accordance with the procedures and formula established by the Worcester Regional Retirement System and the bylaws of the Town of Southborough. Contributions shall include (i) wages earned during the first eight hours worked in any one day (no contributions shall be made for hours worked in excess of 40 per week,) (ii) any lump sum bonus that is guaranteed by the Salary Administration Plan or the Bylaws of the Town, (e.g., longevity pay); (iii) vacation pay, except when paid in lieu of taking vacation; (iv) sick pay; and (v) holiday pay.

“Class” means a group of positions in the Town service sufficiently similar with respect to duties and responsibilities such that for each position the same (i) descriptive title may be used, (ii) qualifications shall be required, (iii) tests of fitness may be used to choose qualified employees and (iv) scale of compensation can be equitably applied.

“Classification Schedule” means any of Schedules A, B, C, D, E, F and G of Section 20 hereof.

“Compensation Grade” means a range of salary/wage rates as may appear in the Classification Schedules.

“Continuous Full-Time Service” means employment requiring a predetermined minimum work period that is uninterrupted except for authorized leaves (e.g., vacation, sick, etc.).

“Continuous Employment” means full-time or part-time employment that is uninterrupted except for authorized leaves (e.g., vacation, sick, etc.).

“Department” means a functional unit of Town government.

“Department Head” means the person appointed and responsible to carry out the duties of a Department.

“Exempt employee” means an employee who is not entitled to overtime pay under the Fair Labor Standards Act (FLSA).

“Full-Time Employment” means employment for not less than 20 hours per week for fifty-two weeks per annum, excepting authorized holidays and leave periods.

“Group” means a group of classes as may appear in the Classification Schedules.

“Maximum Rate” means the highest compensation rate to which an Employee is entitled.

“Minimum Rate” means the lowest rate in a Range, and is normally the hiring rate of a new employee.

“Non-exempt employee” means an employee who is entitled to overtime pay under the Fair Labor Standards Act (FLSA).

“On-Call Compensation” refers to additional money paid to an employee who is required to work when the need requires; oftentimes in an evening or weekend capacity.

“Part-Time Employment” means employment less than 20 hours per week.

“Position” means an office or post of employment in the Town service with duties and responsibilities calling for the Full-Time or Part-Time Employment of one person in the performance and exercise thereof (or of more than one person sharing the same position).

“Position Class” means the same as “Class” (note that a class may include only one position, in which event it is defined as a “single position class”).

“Probationary Employee” means a first-time Town employee within his/her first six months of employment.

“Promotion” means a change from one position to another position in a higher class and/or compensation grade.

“Range” means the difference between minimum and maximum rates of an assigned grade.

“Rate” means the measure of compensation for personal services on an hourly, weekly, monthly, annual or other basis.

“Salary Administration Plan” means the Personnel Bylaw Entitled “The Salary Administration Plan.”

“Single Rate” means a rate for a specific position class that is not in a designated range.

“Start Date” means the first day of employment with the Town.

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SECTION 2. POSITION TITLES

No person shall be appointed, employed or paid in any position under any title other than those of the Classification Schedule for which the duties are actually performed. The position title in the Classification Schedule shall be the official title for all purposes, including payrolls, budgeting and official reports.

SECTION 3. NEW OR CHANGED POSITIONS

No new position shall be established, nor the duties of an existing position so changed that a new level or work demand exists, unless upon presentation of substantiating data satisfactory to the Personnel Board, the Board shall rate such new or changed position, and allocate it to its appropriate classification grade and establish the rate therefor.

SECTION 4. RECLASSIFICATION OF EMPLOYEES

No position may be reclassified to another grade, whether higher or lower, unless the Personnel Board shall have determined such reclassification is consistent with this Salary Administration Plan.

SECTION 5. JOB DESCRIPTIONS

The Personnel Board shall maintain such criteria as it deems appropriate for the positions and classes in the schedules. Each department or public body (board, committee, commission) with SAP employees shall maintain current job descriptions for such employees. All such job descriptions and any revisions thereto must be submitted to the Personnel Board for approval following review and approval by the Select Board or appropriate public body. The criteria for any class shall not be deemed to limit the duties or responsibilities of any position as set forth in the job description, nor to affect in any way the power of any administrative authority to appoint, to assign duties to, or to direct and control the work of any employee under the jurisdiction of such authority.

SECTION 6. COMPENSATION

- a. The bi-weekly pay period shall begin at 12:00 a.m. Thursday and shall end at 11:59 p.m. on the following second Wednesday.
- b. Non-exempt employees subject to this Salary Administration Plan shall be paid for one and one-half hours worked for any hour worked in the excess of forty in their weekly pay period, provided such extra hours were authorized by the Department Head.
- c. The salary schedules set forth in Schedules A, B, C, D, E, F and G of Section 20 hereof reflect the maximum and minimum salaries for each grade.
- d. The annual salary set forth in Schedule A represents a 40 hour work week and in the event an employee works less than 40 hours per week but more than 20 hours per week, the indicated annual salary is pro-rated reflective of the posted salary schedule in Schedule A.
- e. Amounts paid to employees in reimbursement for expenses incurred in the performance of their duties (e.g., mileage, meals, dues, etc.) shall be paid in addition to their compensation. Reimbursement shall be based upon the actual documented expenditure made by the employee, or at rates established by the Internal Revenue Service, supported by that agency's requirements for documentation.
- f. On-Call Compensation: Employees shall be eligible to earn a weekly stipend not to exceed \$200.00 per week for on-call service if the department head has required them to work outside of their normal schedule. This need is likely to occur on an evening or weekend basis as the need requires. There is no provision to accrue compensation time in lieu of payment.

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SECTION 7. SALARY ADJUSTMENT & COMPENSATION POLICIES

- a. *Every employee that is in Continuous Full-Time or Part-Time service of the Town, as computed from the date of their latest employment, shall be eligible for consideration of a salary increase annually on July 1. Employees hired between April 1 and June 30 will be eligible for a salary increase the July 1<sup>st</sup> following their twelve-month anniversary. Except as may be authorized by the Personnel Board in exceptional circumstances, such increase is not to exceed one increase in any single twelve-month period until the maximum of the grade is obtained, and such increase shall be subject to the recommendation of the Department Head, with the approval of the Select Board or their designated appointee in the case of departments within the jurisdiction of the Select Board, or the appropriate Commissioners or Trustees in the case of departments outside the jurisdiction of the Select Board.*

Retroactive salary increases voted by the Personnel Board shall not be compensated beyond July 1 of that fiscal year, regardless of the funding mechanism.

Unless specifically exempted by Personnel Board policy, requests for salary increases must be accompanied by a certification from an employee's manager that the employee's performance has been "satisfactory" or better and that a written employee performance appraisal, on a form approved by the Personnel Board, has been completed. The form of this certification will be prescribed by Personnel Board policy promulgated hereunder. Upon receiving such documentation, the Personnel Board shall have final review and approval of all adjustments.

An employee may appear before the Personnel Board prior to its action on any request for an increase. Any employee denied such an increase may appeal, in writing, to the Personnel Board, which shall confer with the employee, the Department Head and the Select Board or their designated appointee, or the appropriate Commissioners or Trustees, and shall decide the matter.

- b. Special Non-Continuous Part-Time employees and employees in Schedule D classifications shall be eligible for consideration for salary increases upon the recommendation of the appropriate department manager or Board and approval of the Personnel Board.
- c. Probationary Employees
1. During the probationary period, benefit eligible employee(s) will earn vacation, sick and personal time in accordance with Section 11(b-d) hereof. During the probationary period, paid leave accruals shall be based on the Start Date.

SECTION 8. TRANSFERS AND PROMOTIONS

- a. An employee who is promoted to a job with a higher range or rate of pay shall enter it at the rate recommended by the Department Head with the approval of the Personnel Board, provided the maximum for the job is not exceeded. This is contingent upon the Department Head's recommendation that qualifications and performance warrant it.
- b. An employee transferred to a job with a lower range or rate of pay shall enter it at the rate paid for the previous position or at the maximum rate for the job, whichever is the lower, provided the Personnel Board approves. The employee shall have a right to appeal this decision, in writing, to the Personnel Board, which shall confer with the employee, the Department Head and the Select Board or their designated appointee, or the appropriate Commissioners or Trustees, and shall decide the matter.

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SECTION 9. NEW PERSONNEL HIRING; DEPARTURES

- a. Pre-employment physical examinations will be required of newly-hired employees consistent with the Town's policies.
- b. Probationary period: For new hires, the first six months of employment shall be a probationary period. The probationary period does not apply to Town employees who change positions within the Town. The probationary period is a time during which an employee will be evaluated to ensure that the employee has the requisite knowledge, skills, and abilities to perform the position (with or without reasonable accommodations). Completing the probationary period does not change the employee's relationship with the Town, which will remain one in which either the employee or the Town may terminate the relationship at will.
- c. A new employee's hiring rate shall be the minimum of the rate range of the job, unless otherwise authorized by the Personnel Board or Personnel Director. The Personnel Board is cognizant of the need to make timely decisions during the recruitment process, therefore, the Personnel Director is empowered to set starting salaries for new employees with comparable experience at a rate not exceeding the mid-point of the pay scale set forth in Schedules A and C of the Salary Administration Plan.
- d. The Personnel Director or his/her delegatee shall notify the Personnel Board in writing of the hiring of all personnel and their hiring rates. The Personnel Director or his/her delegatee shall also notify the Personnel Board in writing of the departure of any employee.

SECTION 10. DEPARTMENT BUDGETS

Each Department Head shall include in the annual departmental budget a pay adjustment section to provide funds for anticipated pay adjustments, with expenditures to be made only in accordance with this Salary Administration Plan and with the approval of the Personnel Board. Degree bonus [Sec 11i(1)] funds shall also be budgeted in the departmental budget.

SECTION 11. EMPLOYEE BENEFITS

Employee benefits are a cost to the Town and a form of "indirect pay" to employees. The benefits listed below are not intended to supersede what State or Federal law may otherwise require. The benefits set forth in this section are applicable to Full-Time employees only, except where noted.

All forms of paid leave set forth in this section are based on a 40-hour work week; in the event an employee works less than 40 hours per week but more than 20 hours per week, the indicated benefit shall be pro-rated reflective of the approved hours per week for that position.

- a. Holidays with Pay  
Full-Time employees shall receive one day's pay at their regular rate for the following:

New Year's Day	Labor Day
Martin Luther King Day	Columbus Day
Presidents' Day	Veteran's Day
Patriot's Day	Thanksgiving Day
Memorial Day	Day after Thanksgiving Day
Juneteenth	Christmas Day
Independence Day	Day before <u>or</u> after Christmas Day (as set by the Town annually

To be eligible for holiday pay, an employee must work (or be duly excused from working) their regular scheduled days preceding and following the holiday. Employees who do not work 20 hours or more per

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week on a regular basis shall not be compensated for holidays.

Employees whose regular day off falls on a holiday may have one day off with pay within the ensuing thirty days in lieu of holiday pay, with the specific choice of day subject to Department Head approval. Furthermore, the day granted in lieu of holiday pay shall not cross fiscal years.

All administrative policies and practices relative to holidays with pay shall be prepared and established under the direction of the Personnel Board.

b. Vacations with Pay

- (1) Full-Time employees who have been in the continuous employ of the Town shall earn paid vacation in accordance with the following schedule:

Years of Employment	Hours Earned Per Month	Vacation Earned Per Year (Pro-rata)
0 - 5	6.666	Two weeks
5+ - 10	10.0	Three weeks
10+ - 15	13.333	Four weeks
15+ - or more	16.666	Five weeks

Employees hired prior to July 1, 2005, shall be eligible to earn twenty hours per month after serving twenty years of full-time employment with the Town.

- (2) At the recommendation of the hiring authority and upon the approval of the Personnel Board, new employees entering into a position with the Town of Southborough from a similar position will be allowed to enter into the vacation schedule using their years of service from their prior employment, up to a maximum of three weeks' vacation [pro-rated] for the first year of employment with the Town. Employees commencing employment with three weeks per year will be required to complete five years of service before ascending to the next band in the vacation schedule chart.
- (3) Vacation shall be granted by Department Heads at their discretion subject to the regular work needs of the Department. An employee shall be permitted to carry over to the following year one year's worth of earned vacation. The employee must have the Department Head's approval to take any portion of a prior year's unused vacation in addition to the days earned in the current fiscal year.
- (4) If in the opinion of the Department Head there are unusual work-related circumstances that warrant it, a department head may seek approval from the Town Administrator or his/her delegatee to allow the employee to continue to work and receive vacation pay in lieu of taking vacation. Approval granted in this section may not exceed ten days per fiscal year.
- (5) In the event of termination of employment, the employee shall be paid, or be entitled to time off with pay, for any accumulated vacation time. Personal and sick leave shall not be compensated at termination.
- (6) Vacation administrative policies and practices shall be prepared and established under the direction of the Personnel Board.

c. Sick Leave

- (1) Full-Time employees shall be entitled to accrue 10 sick hours per month, equaling 120 hours annually (15 sick days); employees working less than 40 hours in a weekly pay period will accrue ratably based

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on hours worked per week. Pay for each day of sick leave shall be at the regular rate. Absences on account of sickness in excess of that authorized shall be charged to vacation or other available paid leave. Sick leave shall be payable only in cases of genuine illness, non-work connected accident, or work connected accidents not covered by Massachusetts General Laws Chapter 152 (Workers' Compensation).

- (2) Unused sick leave may be accumulated without limitation for employees hired before July 1, 2007. Employees of the Town of Southborough hired on or after July 1, 2007 may only accrue 120 sick days at any one time. At retirement [or death] only, the Town will pay the employee twenty percent (20%) of the employee's then-accumulated sick leave.
- (3) Employees who because of genuine illness or a non-work connected accident are absent for a period of more than three days shall be required to present a doctor's certificate to their Department Head before returning to work stating the reason, the period of time the employee was absent and whether there are any physical restrictions or required outpatient services the employee must adhere to in the workplace.
- (4) Annually, an employee may use up to seven of the allowed fifteen days of sick leave for the care of a sick family member.
- (5) Sick leave administrative policies and practices shall be prepared and established under the direction of the Personnel Board.

d. Personal Days

Full-Time employees shall be entitled to three personal days per year, to be granted annually on the anniversary of the employee's Start Date. New employees shall be granted three personal days which shall be pro-rated based on hours worked per pay period. Requests for personal days shall be approved by the Department Head. Personal days shall not accumulate from year to year.

e. Military Leave

- (1) Reserve Duty: An employee in full-time employment in the military reserve shall be paid the difference between compensation received while on reserve duty and regular compensation rates paid the employee by the Town. Such payment by the Town shall be limited to a period not to exceed two weeks in any twelve-month period.
- (2) Active Duty: Pursuant to Article 8 of the April 11, 2005 Annual Town Meeting, an employee in the federal military reserve or a state National Guard who is called to active service shall be entitled to their regular base salary and shall not lose any seniority or paid leave benefits while on military leave; *provided*, however, that such base pay shall be reduced by any amount received from the United States as pay or allowance for military service performed.

f. Jury Duty

Any employee who is called to jury duty shall be paid the difference between their normal compensation and the amount (excluding any travel allowance) received from the court, upon presentation of evidence of the amount paid by the court.

g. Miscellaneous Paid Time Off

Working time lost from regularly scheduled work days for reasons listed below shall be without loss of pay, provided such lost time is authorized by the Department Head. Sections (1) – (3) are applicable to Full-Time employees only; Section (4) is applicable to both Full-Time and Part-Time employees.

- (1) Bereavement leave – In the event of the death of a spouse, father, mother, child, father-in-law, mother-in-law, brother, sister, grandparent, or of any other person then residing



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with the employee, such employee shall be entitled to receive three days' leave for the purpose of the funeral and services of the deceased. If out-of-state travel is required, the Department Head may authorize up to two additional days of travel time.

- (2) Medical examination or inoculation required by the Town.
- (3) Blood donation authorized by the Department Head.
- (4) Attendance at professional and/or educational programs authorized by the Department Head.

h. Court Time Pay

If the Town requires that an employee appear in Court as a witness or in any other capacity arising from the performance of the employee's duty, or on behalf of the Commonwealth or the Town in any civil or criminal case pending in any Court or other official governmental board or agency, such appearance and related travel time shall constitute work time for purposes of calculating weekly hours worked. If such appearance or related travel time causes a non-exempt employee to exceed forty hours of work in any given work week, the employee shall be eligible for overtime pay in accordance with Section 6(b). This section does not apply to exempt employees.

i. Employee Educational Support/Professional Development

- (1) Degree Bonus: All Part-Time and Full-Time employees who, while an employee of the Town, earns a degree in a field applicable to their position from an accredited college or university, shall receive a one-time bonus subject to appropriation, according to the following schedule:

Associates Degree \$ 800.00

Bachelors Degree \$1,200.00

Masters Degree.. \$1,500.00

A copy of the completed transcript, diploma or other appropriate evidence of the completed degree must be presented to the Department Head and the Personnel Board, and shall be submitted as documentation for accounts payable.

- (2) Tuition reimbursement: the Town may offer tuition reimbursement to eligible Full-Time and Part-Time employees as prescribed by Personnel Board policy enacted under this Bylaw.

j. Group Medical Insurance

Starting July 1, 2009, the Town will contribute fifty percent (50%) of the cost of a medical indemnity plan or seventy-five percent [75%] of the cost of a Health Maintenance Organization plan for Full-Time employees only.

SECTION 12. UNPAID LEAVES OF ABSENCE

- a. A leave of absence without compensation may be granted by the Personnel Board.
- b. Leaves of absence of over three months' duration (except Military Leave) shall be deemed a break in employment, and on return to work, the employee shall have the status of a new employee unless an extension of leave beyond three months was authorized by the Personnel Board.

SECTION 13. PART-TIME EMPLOYEES WORKING FULL-TIME HOURS TEMPORARILY

- a. A Part-Time employee may work 20 hours or more per week for no longer than two bi-weekly pay periods, or four bi-weekly pay periods in the case of an Election Worker during an election cycle, if requested by their Department Head due to exigent circumstances, or for longer if recommended by the appointing authority or the Personnel Director, with the authorization of the Finance Director and

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approval of the Personnel Board. In such cases, the employee will remain a Part-Time employee with no change in status.

- b. Department Heads may submit requests for additional compensation for Part-Time employees temporarily working Full-Time hours, subject to available funding as authorized by the Finance Director and approved by the Personnel Board.

SECTION 14. APPOINTMENT OF "ACTING" DEPARTMENT HEADS

- a. In the absence or retirement of a Department Head for three consecutive weeks, the Select Board or appropriate board or commission may appoint an "Acting" Department Head to serve for a period of not more than three months. Such three-month period may be extended for up to three additional three-month periods, upon the approval of the Select Board or other appropriate board or commission for each such extension. In no case shall an appointment of an "Acting" Department Head exceed one year.
- b. Duly appointed "Acting" employees shall be compensated at an additional 10% per week, payable retroactively only upon the conclusion of three consecutive weeks of service by the "Acting" employee. Such employees shall still be eligible for overtime pay when fulfilling regular duties from the previous job beyond normal working hours.

SECTION 15. PERSONNEL BOARD

- a. There shall be a Personnel Board to administer the Salary Administration Plan. Said Board is to be appointed by the Town Moderator. The Board shall consist of five voters other than employees of the Town or those regularly serving the Town in any elective capacity. They shall serve without compensation. For purposes of this section, Election Workers and Wardens shall not be considered "employees of the Town."
- b. Other than as may be needed to fill unexpected vacancies, appointments shall be for three years. The Moderator shall fill any vacancies. The Personnel Board may employ assistance and incur expenses as it deems necessary, subject to appropriation of funds therefor.

SECTION 16. DUTIES OF THE PERSONNEL BOARD

- a. The Personnel Board shall administer the Salary Administration Plan and shall establish such policies, procedures and regulations as it deems necessary for the administration of the Plan.
- b. The Town Administrator serves as the Town's Personnel Director under the Town Administrator Bylaw [Ch. 27, Art. IX]. As such, the Personnel Director is invested with personnel authority and responsibilities as set forth therein. From time to time, and as may be necessary, the Personnel Board will consult and/or act in concert with the Personnel Director or his/her delegatee on matters of joint responsibility and concern.
- c. The Board shall meet annually in July and organize by the choice of a Chair and Vice-Chair. The Board shall meet at least monthly, except when there is no business before the Board. A majority of the Board shall constitute a quorum for the transaction of business. The votes of the majority of all the members of the Board shall be necessary on any matter upon which it is authorized to or required to pass under the Salary Administration Plan.
- d. The Personnel Board shall maintain records of all employees subject to this Plan as it deems desirable, including personnel evaluations. Such records are to be kept by the Personnel Director or his/her delegatee, under the direction of the Personnel Board. Department Heads shall furnish such information as requested by the Board.

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- e. The Personnel Board shall from time to time, but no less often than every federal Election Year, review the Classification Schedule, Salary Schedules, and administration policies of the Salary Administration Plan. It shall keep informed as to pay rates and policies outside the Town, and shall recommend to the Town any action that the Board deems desirable in that regard. The Personnel Board may tentatively add a new class to the Classification Schedule or reallocate an existing class to a different compensation grade, either higher or lower, subject to the subsequent ratification of its action by formal amendment of the Salary Administration Plan at the next Annual Town Meeting.
- f. The Personnel Board may vote an annual adjustment (but shall reserve the right to vote no adjustment) to the Classification Schedule and establish the effective rate for employees of each grade for the next fiscal year, subject to the subsequent ratification of its action by formal amendment of the Salary Administration Plan at the next Annual Town Meeting. The Personnel Board shall base any annual adjustments upon available relevant information. Approval of the rate for any given employee is not guaranteed and is driven by the annual performance evaluation.
- g. Matters of concern by SAP employees that are communicated in writing to the Chair of the Personnel Board will be scheduled on an agenda at the next available meeting providing all necessary and requested information has been submitted in time to be part of the meeting packet. In addition, notice in writing shall be forwarded to the concerned employee and respective Department Head within seven days of the Board's decision. Notwithstanding the foregoing, if the Personnel Board shall so request and the concerned employee and Department Head shall agree, a reasonable extension of these time periods may be granted.
- h. Upon recommendation of a Department Head, supported by evidence in writing of special reasons and exceptional circumstances satisfactory to the Personnel Board, the Board may authorize variances in the Salary Administration Plan as it may deem necessary for the proper functioning of the services of the Town, and to effectuate the basic intent of the Plan.

#### SECTION 17. EMPLOYEES AND THE PERSONNEL BOARD

- a. All employees covered by this Salary Administration Plan shall have the right to request an appointment to confer with the Personnel Board on any matter of interest or concern to them that is covered by the Salary Administration Plan. The employee shall notify the Department Head in writing in advance of the desire to discuss the matter with the Board. One of the duties of the Board shall be to foster mutual understanding and good will with the personnel of the Town. To facilitate this, if any employee should feel aggrieved by the operation of any provision of the Plan, the employee shall first discuss the matter with the Department Head, in a mutual effort to clear up any problems or misunderstanding.
- b. If two weeks after such a conference a satisfactory understanding and solution of the problem has not been reached, then either the Department Head or the employee may take the matter to the Personnel Board, and the Board shall hear the parties not later than at its next regular meeting. There shall be no discrimination or prejudice by a Department Head against any employee who may take a matter to the Board.

#### SECTION 18. AMENDMENT OF THE PLAN

The Salary Administration Plan may be amended in the same manner that Town Bylaws may be amended. However, no amendment to the Plan shall be made until it has been presented to the Personnel Board and the Personnel Board has the opportunity to act on it. The Board of its own motion may propose an amendment to the Plan.

#### SECTION 19. SEVERABILITY PROVISION

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In the event that any provision of this bylaw, or application thereof, shall be held to be invalid by the proper authorities, this shall not be construed to affect the validity of any other provision, or application thereof, of this bylaw.

*SECTION 20: CLASSIFICATION SCHEDULE*

*SCHEDULE A: FULL-TIME SALARY GRADED POSITIONS*

<b>POSITION TITLE</b>	<b>PAY GRADE</b>
<b>DEPARTMENT HEADS &amp; MANAGEMENT STAFF</b>	
Superintendent of Public Works*	9
Finance Director/Treasurer-Collector*	
Assistant Town Administrator	8
Director of Facilities	
Library Director	
Building Commissioner	
IT Manager	
Police Lieutenant	
Town Accountant*	
Director, Council on Aging	
Principal Assessor*	
Conservation Agent	7
Director, Youth & Family Services	
Director of Recreation	
Assistant Director/Nurse/Outreach Coordinator	
Town Planner	
Senior IT Specialist	
<b>SUPERVISORS &amp; TECHNICAL STAFF</b>	
Assistant Town Clerk	6

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Assistant Director, Youth & Family Services	
Outreach Coordinator	
Assistant Library Director	
Police Business Administrator	
Program Manager, COA	
Business Administrator II	5
Youth Services Librarian	
Staff Engineer	
Executive Assistant to the Select Board	
Program Coordinator	
Deputy Assessor	
Business Administrator I	4
Maintenance Technician	
Assistant Treasurer/Collector	
Assistant Town Accountant	
ADMINISTRATIVE & SUPPORT STAFF	
Administrative Assistant	3
Senior Library Assistant	
Library Assistant	2
Maintenance Mechanic	
Maintenance Custodian	1

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\*when not under contract

Rates for Full-Time Positions

Grade	Minimum		Midpoint		Maximum	
	Annual	Hourly	Annual	Hourly	Annual	Hourly
1	40,413	19.43	46,503	22.36	52,595	25.29
2	43,443	20.89	49,960	24.02	56,477	27.15
3	46,701	22.45	53,707	25.82	60,713	29.19
4	51,959	24.98	61,052	29.35	70,146	33.72
5	55,857	26.85	65,631	31.55	75,405	36.25
6	60,046	28.87	70,553	33.92	81,061	38.97
7	72,165	34.69	86,599	41.63	101,032	48.57
8	84,795	40.77	101,754	48.92	118,713	57.07
9	99,633	47.90	119,559	57.48	139,487	67.06

SCHEDULE B: [RESERVED FOR FUTURE USE]

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SCHEDULE C: PART-TIME HOURLY GRADED

POSTIONS

Election Worker.....	1
Library Page.....	1
Election Warden.....	2
Seasonal Laborer.....	2
Custodian .....	2
Library Technician .....	2
Library Associate .....	3
Administrative Assistant .....	3
Police Dispatcher.....	3
Technical Specialist .....	4
Business Assistant .....	4
Economic Development Coordinator.....	4
Electrician.....	5
Local Inspector .....	5
Nurse .....	5
Public Health Director* .....	5

\*when not under contract

Rates for Part-Time Positions

Grade	Minimum		Maximum	
	Annual	Hourly	Annual	Hourly
1	24,516	11.79	31,197	15.00
2	26,743	12.86	37,899	18.22
3	40,126	19.29	55,734	26.80
4	49,032	23.57	69,095	33.22
5	62,415	30.01	93,612	45.01

*\*This represents the annualized rate if a Part-Time employee worked a 40 hour week; however, under this Bylaw, Part-Time employees work 20 hours or less per week.*

*Municipalities are subject to the federal minimum wage law, not the state law.*

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SCHEDULE D: FIRE DEPT POSITIONS (not covered by Collective Bargaining Agreement)

Probationary EMR, EMT or Basic Firefighter	\$00.00 / hr.
Emergency First Responder (EMR)	\$15.00 / hr.
EMT or Firefighter I	\$19.00 / hr.
Advanced EMT or Firefighter I/II-EMT	\$23.00 / hr.
Paramedic or Firefighter I/II – Advanced EMT	\$25.00 / hr.
Firefighter I/II – Paramedic	\$27.00 / hr.

Details. On any occasion that the Fire Chief determines that public safety is at risk (fire watches, pyrotechnic displays, pyrotechnic blasting for construction, etc.) and calls for a detail consisting of a Firefighter or Firefighters [not covered by any other collective bargaining agreement] to stand-by during any of these situations to monitor for fire, explosion, or any other possible hazard, the person or persons assigned to the detail will be compensated in the following manner:

\$50.00 per hour

\$56.00 per hour/ for week-end or holiday

SCHEDULE E: MISCELLANEOUS ANNUAL COMPENSATION SCHEDULE

Cemetery Agent .....	\$8,000
Clerk, Board of Registrars .....	\$1,638.33
Emergency Management Coordinator .....	\$2,000
Energy Management Stipend .....	\$6,000
Registrar of Voters .....	\$205.66
Tree Warden .....	\$4,000
Veterans' Agent and Director of Veterans' Services.....	\$15,000

SCHEDULE F: FEE BASED COMPENSATION (Recreation Seasonal Personnel)

Camp Counselor .....	1
Program Aide (1:1 Support) .....	2
Program Supervisor .....	2
Camp Supervisor .....	3
Camp Assistant Supervisor.....	3
Assistant Coach .....	3
Head Coach .....	3
Program Instructor .....	4



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Rates for Recreation Seasonal Personnel

(Same as Schedule C)

Grade	Minimum		Maximum	
	Annual	Hourly	Annual	Hourly
1	24,516	11.79	31,197	15.00
2	26,743	12.86	37,899	18.22
3	40,126	19.29	55,734	26.80
4	49,032	23.57	69,095	33.22
5	62,415	30.01	93,612	45.01

*\*This represents the annualized rate if a Part-Time employee worked a 40 hour week; however, under this Bylaw, Part-Time employees work 20 hours or less per week.*

*Municipalities are subject to the federal minimum wage law, not the state law.*

**SCHEDULE G: SPECIAL ADMINISTRATIVE AND SUPERVISORY POSITIONS**

**Police Lieutenant:**

In addition to all the benefits provided employees under the SAP, he/she would be eligible for some additional benefits as provided members of Mass COP Local 167, the police union collective bargaining agreement.

As a result, a separate policy is adopted by the Southborough Select Board and enforced by the Southborough Police Department subject to change in conjunction with future collective bargaining agreements.

\*Increases in salary for long term employees will be considered case by case by Personnel Board.

**SCHEDULE H: LONGEVITY SCHEDULE: Full-Time Employees of Town of Southborough –Compensated annually on the anniversary of the employee’s Start Date**

After 5 years.....	\$400
After 10 years.....	\$600
After 15 years.....	\$700
After 20 years.....	\$850
After 25 years.....	\$1,000
After 30 years.....	\$1,200
After 40 years.....	\$1,500

, or do or act anything in relation thereto.

**Proposed by: PERSONNEL BOARD**

**Select Board Recommendation:** At Town Meeting (5-0-0)

**Advisory Committee Recommendation:** At Town Meeting (7-0-0)

**Summary:** *The Personnel By-Law governs policies and pay structures for non-union employees.*

**MOTION MADE:** I move that the town accept Article 5 as printed in the warrant.

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**MOTION PASSED.**

**ARTICLE 6:** To see if the Town will vote to rescind \$118,500 of authorized, but unissued debt the Town originally appropriated for acquiring real estate from St. Mark's School of Southborough, Inc., and for the construction costs for a public safety facility, approved by a vote of Town Meeting under Article 1 on March 8, 2017, which borrowing authority is no longer required for the purposes for which it was originally approved; or do or act anything in relation thereto.

**Proposed by:** SELECT BOARD

**Select Board Recommendation:** Support (5-0-0)

**Advisory Committee Recommendation:** Support (7-0-0)

**Summary:** *The Public Safety Building Committee completed the new Public Safety Facility in the fall of 2019. All punch list items have been closed out and expenditures completed. As those funds have not been permanently borrowed yet, and are not needed to complete the project, the Town is seeking approval to rescind the remaining portion of the borrowing authority approved by Town Meeting under Article 1 on March 8, 2017.*

**PASSED – CONSENT LIST.**

**ARTICLE 7:** To see if the Town will vote to approve funding for the economic cost items under M.G.L. Chapter 150E, Section 7 for any particular collective bargaining agreements reached before Town Meeting, or do or act anything in relation thereto.

**Proposed by:** SELECT BOARD

**Select Board Recommendation:** At Town Meeting (5-0-0)

**Advisory Committee Recommendation:** At Town Meeting (7-0-0)

**Summary:** *This article will fund costs associated with the first year of any contract agreed upon before Town Meeting commences with the DPW, Police, Communication Officers, and/or Fire Union.*

**MOTION MADE:** I move that pursuant to Mass. General Laws Chapter 150E Section 7 as amended, the Town vote to approve the economic terms of the collective bargaining agreement between the Town and AFSCME Council 93 and to raise and appropriate \$21,854, and transfer \$7,113 from the Water Enterprise Fund reserves, for the purpose of funding the collective bargaining agreement; and further, pursuant to Mass. General Laws Chapter 150E Sections 7 as amended, the Town vote to approve the economic terms of the collective bargaining agreement between the Town and Local 167, Massachusetts Coalition of Police and to raise and appropriate \$28,540 for the purpose of funding the collective bargaining agreement; and further, pursuant to Mass. General Laws Chapter 150E Section 7 as amended, the Town vote to approve the economic terms of the collective bargaining agreement between the Town and Local 445, Massachusetts Coalition of Police and to raise and appropriate \$18,703.

**MOTION PASSED UNANIMOUSLY.**

**ARTICLE 8:** To see if the Town will transfer the sum of \$583,708 of money out of Water Retained Earnings for use in the FY22 Water budget, or do or act anything in relation thereto.

**Proposed by:** SELECT BOARD

**Select Board Recommendation:** Support (5-0-0)

**Advisory Committee Recommendation:** At Town Meeting (7-0-0)

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**Summary:** *This article is intended to supplement the water revenue for the current fiscal year in the Water Enterprise Fund. FY22 has seen lower than expected water usage, and the use of retained earnings will complement the revenue from water rates and provide sufficient support for the Water Enterprise Fund.*

**PASSED – CONSENT LIST.**

**ARTICLE 9:** To see if the Town will vote to raise a sum of money as may be necessary for the Town's use for Fiscal Year 2023, and make appropriations of the same, as detailed following, or do or act anything in relation thereto.

**SEE BUDGETS ON THE FOLLOWING PAGES**

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<i>100-199 GENERAL GOVERNMENT</i>								
		FY2021	FY2022	FY2023	Percent	SB	ADV	
BUDGET NAME		ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM	
<b>114 MODERATOR</b>								
51000-51990 Personal Services		50	50	50		50	50	
52000-58990 Other Charges and Expenses			50	50		50	50	
MODERATOR TOTAL		50	100	100	0.00%	100	100	
		FY2021	FY2022	FY2023	Percent	SB	ADV	
BUDGET NAME		ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM	
<b>121 ELECTED SELECT BOARD</b>								
51000-51990 Personal Services		3,200	4,000	4,000		4,000	4,000	
ELECTED SELECT BOARD TOTAL		3,200	4,000	4,000	0.00%	4,000	4,000	
		FY2021	FY2022	FY2023	Percent	SB	ADV	
BUDGET NAME		ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM	
<b>122 SELECT BOARD</b>								
51000-51990 Personal Services		387,949	413,517	408,360		408,360	408,360	
52000-58990 Other Charges and Expenses		46,130	46,413	50,947		50,947	50,947	
SELECT BOARD TOTAL		434,079	459,930	459,307	-0.14%	459,307	459,307	
		FY2021	FY2022	FY2023	Percent	SB	ADV	
BUDGET NAME		ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM	
<b>131 ADVISORY COMMITTEE</b>								
52000-58990 Other Charges and Expenses		4,230	3,500	3,500		3,500	3,500	
ADVISORY COMMITTEE TOTAL		4,230	3,500	3,500	0.00%	3,500	3,500	
		FY2021	FY2022	FY2023	Percent	SB	ADV	
BUDGET NAME		ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM	
<b>132 RESERVE FUND</b>								
52000-58990 Other Charges and Expenses		149,502	190,000	180,000		180,000	180,000	
RESERVE FUND TOTAL		149,502	190,000	180,000	-5.26%	180,000	180,000	
		FY2021	FY2022	FY2023	Percent	SB	ADV	
BUDGET NAME		ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM	
<b>135 TOWN ACCOUNTANT</b>								
51000-51990 Personal Services		163,170	157,966	162,354		162,354	162,354	
52000-58990 Other Charges and Expenses		1,474	2,820	2,915		2,915	2,915	
TOWN ACCOUNTANT TOTAL		164,644	160,786	165,269	2.79%	165,269	165,269	
		FY2021	FY2022	FY2023	Percent	SB	ADV	
BUDGET NAME		ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM	
<b>136 AUDIT</b>								
52000-58990 Other Charges and Expenses		31,685	52,515	27,000		27,000	27,000	
AUDIT TOTAL		31,685	52,515	27,000	-48.59%	27,000	27,000	
		FY2021	FY2022	FY2023	Percent	SB	ADV	
BUDGET NAME		ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM	
<b>140 ELECTED BOARD OF ASSESSORS</b>								
51000-51990 Personal Services		1,975	2,250	2,250		2,250	2,250	
ELECTED BOARD OF ASSESSORS TOTAL		1,975	2,250	2,250	0.00%	2,250	2,250	

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		FY2021	FY2022	FY2023	Percent	SB	ADV
BUDGET NAME		ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
<b>141 ASSESSORS</b>							
51000-51990 Personal Services		180,734	186,198	197,721		197,721	197,721
52000-58990 Other Charges and Expenses		54,572	56,050	51,475		51,475	51,475
ASSESSORS TOTAL		235,306	242,248	249,196	2.87%	249,196	249,196
		FY2021	FY2022	FY2023	Percent	SB	ADV
BUDGET NAME		ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
<b>145 TREASURER/COLLECTOR</b>							
51000-51990 Personal Services		220,584	226,366	232,703		232,703	232,703
52000-58990 Other Charges and Expenses		7,349	8,970	9,520		9,520	9,520
TREASURER/COLLECTOR TOTAL		227,933	235,336	242,223	2.93%	242,223	242,223
		FY2021	FY2022	FY2023	Percent	SB	ADV
BUDGET NAME		ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
<b>151 LEGAL</b>							
52000-58990 Other Charges and Expenses		92,623	95,000	90,000		90,000	90,000
LEGAL TOTAL		92,623	95,000	90,000	-5.26%	90,000	90,000
		FY2021	FY2022	FY2023	Percent	SB	ADV
BUDGET NAME		ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
<b>152 PERSONNEL BOARD</b>							
51000-51990 Personal Services		0	5,000	5,000		5,000	5,000
52000-58990 Other Charges and Expenses		9,179	8,350	12,350		12,350	12,350
PERSONNEL BOARD TOTAL		9,179	13,350	17,350	29.96%	17,350	17,350
		FY2021	FY2022	FY2023	Percent	SB	ADV
BUDGET NAME		ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
<b>153 SPECIAL LEGAL COUNSEL</b>							
52000-58990 Other Charges and Expenses		41,668	50,000	50,000		50,000	50,000
SPECIAL LEGAL COUNSEL TOTAL		41,668	50,000	50,000	0.00%	50,000	50,000
		FY2021	FY2022	FY2023	Percent	SB	ADV
BUDGET NAME		ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
<b>154 MUNICIPAL TECHNOLOGY COMMITTEE</b>							
52000-58990 Other Charges and Expenses		384	1,000	1,500		1,500	1,500
MUN. TECHNOLOGY COMMITTEE TOTAL		384	1,000	1,500	50.00%	1,500	1,500
		FY2021	FY2022	FY2023	Percent	SB	ADV
BUDGET NAME		ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
<b>155 TECHNOLOGY</b>							
51000-51990 Personal Services		79,560	196,000	187,884		187,884	187,884
52000-58990 Other Charges and Expenses		228,686	273,285	317,246		317,246	317,246
MANAGEMENT INFORMATION SYSTEMS TOTAL		308,246	469,285	505,130	7.64%	505,130	505,130

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		FY2021	FY2022	FY2023	Percent	SB	ADV
BUDGET NAME		ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
<b>159 OTHER OPERATION SUPPORT</b>							
52000-58990 Other Charges and Expenses		407,759	416,690	452,182		452,182	452,182
OTHER OPERATION SUPPORT TOTAL		407,759	416,690	452,182	8.52%	452,182	452,182
		FY2021	FY2022	FY2023	Percent	SB	ADV
BUDGET NAME		ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
<b>160 ELECTED TOWN CLERK</b>							
51000-51990 Personal Services		87,695	90,151	92,856		92,856	92,856
ELECTED TOWN CLERK TOTAL		87,695	90,151	92,856	3.00%	92,856	92,856
		FY2021	FY2022	FY2023	Percent	SB	ADV
BUDGET NAME		ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
<b>161 TOWN CLERK</b>							
51000-51990 Personal Services		140,306	111,465	149,553		149,553	149,553
52000-58990 Other Charges and Expenses		49,184	44,010	60,026		60,026	60,026
TOWN CLERK TOTAL		189,490	155,475	209,579	34.80%	209,579	209,579
		FY2021	FY2022	FY2023	Percent	SB	ADV
BUDGET NAME		ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
<b>171 CONSERVATION COMMISSION</b>							
51000-51990 Personal Services		70,320	72,283	89,134		89,134	89,134
52000-58990 Other Charges and Expenses		28,346	36,265	36,265		36,265	36,265
CONSERVATION COMMISSION TOTAL		98,666	108,548	125,399	15.52%	125,399	125,399
		FY2021	FY2022	FY2023	Percent	SB	ADV
BUDGET NAME		ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
<b>175 PLANNING BOARD</b>							
51000-51990 Personal Services		143,333	147,744	154,970		154,970	154,970
52000-58990 Other Charges and Expenses		28,020	28,120	27,660		27,660	27,660
PLANNING BOARD TOTAL		171,353	175,864	182,630	3.85%	182,630	182,630
		FY2021	FY2022	FY2023	Percent	SB	ADV
BUDGET NAME		ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
<b>176 ZONING BOARD OF APPEALS</b>							
51000-51990 Personal Services		10,410	23,506	9,275		9,275	9,275
52000-58990 Other Charges and Expenses		70	3,200	4,000		4,000	4,000
ZONING BOARD OF APPEALS TOTAL		10,480	26,706	13,275	-50.29%	13,275	13,275
		FY2021	FY2022	FY2023	Percent	SB	ADV
BUDGET NAME		ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
<b>177 OPEN SPACE</b>							
52000-58990 Other Charges and Expenses		1,943	2,000	2,000		2,000	2,000
OPEN SPACE TOTAL		1,943	2,000	2,000	0.00%	2,000	2,000

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		FY2021	FY2022	FY2023	Percent	SB	ADV
BUDGET NAME		ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
<b>182 ECONOMIC DEVELOPMENT COMMITTEE</b>							
51000-51990 Personal Services		26,776	27,416	28,238		28,238	28,238
52000-58990 Other Charges and Expenses		11,254	14,900	14,700		14,700	14,700
ECONOMIC DEVELOPMENT COMMITTEE TOTAL		38,030	42,316	42,938	1.47%	42,938	42,938
		FY2021	FY2022	FY2023	Percent	SB	ADV
BUDGET NAME		ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
<b>192 PUBLIC BUILDINGS AND PROPERTIES MAINTENANCE</b>							
51000-51990 Personal Services		353,377	377,886	389,369		389,369	389,369
52000-58990 Other Charges and Expenses		177,586	205,550	211,840		211,840	211,840
PUBLIC BLDGS. & PROPERTY MAINT. TOTAL		530,963	583,436	601,209	3.05%	601,209	601,209
		FY2021	FY2022	FY2023	Percent	SB	ADV
BUDGET NAME		ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
<b>193 PUBLIC ACCESSIBILITY COMMITTEE</b>							
51000-51990 Personal Services		0	0	0		0	0
52000-58990 Other Charges and Expenses		0	2,500	2,500		2,500	2,500
PUBLIC ACCESSIBILITY COMMITTEE TOTAL		0	2,500	2,500	0.00%	2,500	2,500
<b>200-299 PUBLIC SAFETY</b>							
		FY2021	FY2022	FY2023	Percent	SB	ADV
BUDGET NAME		ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
<b>210 POLICE DEPARTMENT</b>							
51000-51990 Personal Services		2,154,675	2,335,472	2,402,527		2,402,527	2,402,527
52000-58990 Other Charges and Expenses		149,294	151,124	148,541		148,541	148,541
POLICE DEPARTMENT TOTAL		2,303,969	2,486,596	2,551,068	2.59%	2,551,068	2,551,068
		FY2021	FY2022	FY2023	Percent	SB	ADV
BUDGET NAME		ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
<b>220 FIRE DEPARTMENT</b>							
51000-51990 Personal Services		2,069,736	2,126,887	2,146,195		2,146,195	2,146,195
52000-58990 Other Charges and Expenses		202,401	251,136	263,500		263,500	263,500
FIRE DEPARTMENT TOTAL		2,272,136	2,378,023	2,409,695	1.33%	2,409,695	2,409,695
		FY2021	FY2022	FY2023	Percent	SB	ADV
BUDGET NAME		ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
<b>241 BUILDING DEPARTMENT</b>							
51000-51990 Personal Services		149,364	153,546	157,759		157,759	157,759
52000-58990 Other Charges and Expenses		3,819	10,925	12,500		12,500	12,500
BUILDING DEPARTMENT TOTAL		153,183	164,471	170,259	3.52%	170,259	170,259
		FY2021	FY2022	FY2023	Percent	SB	ADV
BUDGET NAME		ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
<b>291 CIVIL DEFENSE</b>							
51000-51990 Personal Services		2,926	2,926	4,000		4,000	4,000
52000-58990 Other Charges and Expenses		6,993	7,225	7,225		7,225	7,225
CIVIL DEFENSE TOTAL		9,919	10,151	11,225	10.58%	11,225	11,225

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		FY2021	FY2022	FY2023	Percent	SB	ADV
BUDGET NAME		ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
<b>292 ANIMAL CONTROL OFFICER AND ANIMAL INSPECTOR</b>							
52000-58990 Other Charges and Expenses		27,594	28,490	29,052		29,052	29,052
ANIMAL CONTROL OFF. & ANIMAL INSP. TOTAL		27,594	28,490	29,052	1.97%	29,052	29,052
<b>400-499 PUBLIC WORKS &amp; FACILITIES</b>							
		FY2021	FY2022	FY2023	Percent	SB	ADV
BUDGET NAME		ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
<b>400, 420 DEPT. OF PUBLIC WORKS</b> (Highway, Cemetery, Tree)							
51000-51990 Personal Services		916,795	1,019,717	1,026,352		1,026,352	1,026,352
52000-58990 Other Charges and Expenses		1,471,979	1,472,750	1,514,550		1,514,550	1,514,550
DEPT. OF PUBLIC WORKS TOTAL		2,388,774	2,492,467	2,540,902	1.94%	2,540,902	2,540,902
<b>500-599 HUMAN SERVICES</b>							
		FY2021	FY2022	FY2023	Percent	SB	ADV
BUDGET NAME		ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
<b>510 ELECTED BOARD OF HEALTH</b>							
51000-51990 Personal Services		0	450	450		450	450
ELECTED BOARD OF HEALTH TOTAL		0	450	450	0.00%	450	450
		FY2021	FY2022	FY2023	Percent	SB	ADV
BUDGET NAME		ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
<b>512 BOARD OF HEALTH</b>							
51000-51990 Personal Services		122,195	132,068	190,028		190,028	136,028
52000-58990 Other Charges and Expenses		56,138	70,624	70,624		70,624	70,624
BOARD OF HEALTH TOTAL		178,333	202,692	260,652	28.60%	260,652	206,652
		FY2021	FY2022	FY2023	Percent	SB	ADV
BUDGET NAME		ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
<b>541 COUNCIL ON AGING</b>							
51000-51990 Personal Services		263,105	288,027	294,950		294,950	294,950
52000-58990 Other Charges and Expenses		52,746	59,815	60,475		60,475	60,475
COUNCIL ON AGING TOTAL		315,851	347,842	355,425	2.18%	355,425	355,425
		FY2021	FY2022	FY2023	Percent	SB	ADV
BUDGET NAME		ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
<b>542 YOUTH COMMISSION</b>							
51000-51990 Personal Services		208,950	237,498	244,063		244,063	244,063
52000-58990 Other Charges and Expenses		10,917	12,500	18,000		18,000	18,000
YOUTH COMMISSION TOTAL		219,867	249,998	262,063	4.83%	262,063	262,063
		FY2021	FY2022	FY2023	Percent	SB	ADV
BUDGET NAME		ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
<b>543 VETERANS' SERVICES</b>							
51000-51990 Personal Services		15,000	15,000	15,000		15,000	15,000
52000-58990 Other Charges and Expenses		11,903	20,845	20,735		20,735	20,735
VETERANS' SERVICES TOTAL		26,903	35,845	35,735	-0.31%	35,735	35,735



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<b>600-699 CULTURE &amp; RECREATION</b>							
BUDGET NAME	FY2021 ACTUAL	FY2022 BUDGET	FY2023 REQUEST	Percent Inc./Decr.	SB RECOMM	ADV RECOMM	
<b>610 LIBRARY</b>							
51000-51990 Personal Services	395,855	437,098	445,043		445,043	445,043	
52000-58990 Other Charges and Expenses	131,284	136,231	142,645		142,645	142,645	
LIBRARY TOTAL	527,139	573,329	587,688	2.50%	587,688	587,688	
<b>630 RECREATION COMMISSION</b>							
51000-51990 Personal Services	133,047	143,280	145,259		145,259	145,259	
52000-58990 Other Charges and Expenses	9,900	10,258	14,069		14,069	14,069	
RECREATION COMMISSION TOTAL	142,947	153,538	159,328	3.77%	159,328	159,328	
<b>691 HISTORICAL COMMISSION</b>							
52000-58990 Other Charges and Expenses	2,467	3,362	1,000		1,000	1,000	
HISTORICAL COMMISSION TOTAL	2,467	3,362	1,000	-70.26%	1,000	1,000	
<b>692 MEMORIAL DAY</b>							
52000-58990 Other Charges and Expenses	2,997	3,150	3,350		3,350	3,350	
MEMORIAL DAY TOTAL	2,997	3,150	3,350	6.35%	3,350	3,350	
<b>700-799 DEBT SERVICE</b>							
BUDGET NAME	FY2021 ACTUAL	FY2022 BUDGET	FY2023 REQUEST	Percent Inc./Decr.	SB RECOMM	ADV RECOMM	
<b>DEBT PRINCIPAL AND DEBT INTEREST</b>							
0100-710-59100 Principal General Fund	2,324,506	2,391,470	2,230,097		2,230,097	2,230,097	
0100-751-59150 Interest General Fund	1,031,858	933,652	851,376		851,376	851,376	
0100-751-57880 Bond Disclosure			2,500		2,500	2,500	
DEBT PRINCIPAL AND DEBT INTEREST TOTAL	3,356,364	3,325,122	3,083,973	-7.25%	3,083,973	3,083,973	
<b>900-999 UNCLASSIFIED</b>							
BUDGET NAME	FY2021 ACTUAL	FY2022 BUDGET	FY2023 REQUEST	Percent Inc./Decr.	SB RECOMM	ADV RECOMM	
<b>910 EMPLOYEE BENEFITS</b>							
51700 Police/Fire Accident and Workers' Comp.	237,493	249,368	302,585		302,585	302,585	
51710 Unemployment Payments	27,899	30,000	30,000		30,000	30,000	
51720 Health Insurance	5,126,927	5,283,905	5,306,355		5,306,355	5,306,355	
51730 Retirement Fund	2,170,625	2,321,536	2,558,310		2,558,310	2,558,310	
51740 Life Insurance	5,183	5,215	5,220		5,220	5,220	
51750 Flexible Spending Account	6,609	7,250	7,250		7,250	7,250	
51770 Medicare	390,109	378,579	396,962		396,962	396,962	
51780 Dental Insurance	249,354	248,964	246,303		246,303	246,303	
51785 Medicare B Penalty	16,533	17,040	16,500		16,500	16,500	
59660 Transfer to OPEB Trust	250,000	0	0		0	0	
EMPLOYEE BENEFITS TOTAL	8,480,731	8,541,857	8,869,485	3.84%	8,869,485	8,869,485	

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BUDGET NAME	FY2021 ACTUAL	FY2022 BUDGET	FY2023 REQUEST	Percent Inc./Decr.	SB RECOMM	ADV RECOMM
<b>930 BUDGET CAPITAL</b>						
POLICE: TASER PROGRAM	49,508	0				
BUDGET CAPITAL TOTAL	49,508	0	0	0.00%	0	0
<b>BUDGET NAME</b>	<b>FY2021 ACTUAL</b>	<b>FY2022 BUDGET</b>	<b>FY2023 REQUEST</b>	<b>Percent Inc./Decr.</b>	<b>SB RECOMM</b>	<b>ADV RECOMM</b>
<b>941 COURT JUDGMENTS</b>						
57600 Court Judgments	227,586	229,900	232,500		232,500	232,500
COURT JUDGMENTS TOTAL	227,586	229,900	232,500	1.13%	232,500	232,500
<b>BUDGET NAME</b>	<b>FY2021 ACTUAL</b>	<b>FY2022 BUDGET</b>	<b>FY2023 REQUEST</b>	<b>Percent Inc./Decr.</b>	<b>SB RECOMM</b>	<b>ADV RECOMM</b>
<b>945 LIABILITY INSURANCE</b>						
52000-58990 Other Charges and Expenses	279,973	297,402	334,734		334,734	334,734
LIABILITY INSURANCE TOTAL	279,973	297,402	334,734	12.55%	334,734	334,734
<b>300-399 EDUCATION</b>						
<b>BUDGET NAME</b>	<b>FY2021 ACTUAL</b>	<b>FY2022 BUDGET</b>	<b>FY2023 REQUEST</b>	<b>Percent Inc./Decr.</b>	<b>SB RECOMM</b>	<b>ADV RECOMM</b>
<b>300 ELECTED SCHOOL COMMITTEE</b>						
51000-51990 Personal Services	100	500	500		500	500
ELECTED SCHOOL COMMITTEE TOTAL	100	500	500	0.00%	500	500
<b>BUDGET NAME</b>	<b>FY2021 ACTUAL</b>	<b>FY2022 BUDGET</b>	<b>FY2023 REQUEST</b>	<b>Percent Inc./Decr.</b>	<b>SB RECOMM</b>	<b>ADV RECOMM</b>
<b>301 SOUTHBOROUGH SCHOOLS</b>						
<b>REGULAR DAY PROGRAMS</b>						
Administration	722,802	719,453	638,555		638,555	638,555
Instruction	11,376,696	11,987,962	12,223,764		12,223,764	12,223,764
Other Student Services	794,727	868,543	884,217		884,217	884,217
Operation and Maintenance Buildings	1,756,050	1,692,794	1,904,485		1,904,485	1,904,485
Fixed Charges	1,724	2,150	300		300	300
Contractual Obligation	0	0	0		0	0
REGULAR DAY PROGRAMS TOTAL	14,651,999	15,270,902	15,651,321		15,651,321	15,651,321
<b>SPECIAL EDUCATION PROGRAMS</b>						
Administration	7,008	18,500	19,000		19,000	19,000
Instruction	4,802,780	5,028,610	5,556,661		5,556,661	5,556,661
Other Student Services	405,415	506,000	508,223		508,223	508,223
Operation and Maintenance Buildings	737	4,000	4,000		4,000	4,000
Fixed Charges	2,480	0	2,775		2,775	2,775
Programs, Other Systems in Massachusetts	1,277,865	818,362	467,630		467,630	467,630
Programs, Member of Collaborative	88,192	88,060	73,833		73,833	73,833
SPECIAL EDUCATION TOTAL	6,584,476	6,463,532	6,632,122		6,632,122	6,632,122
<b>GRAND TOTAL OPERATING BUDGET</b>	<b>21,236,475</b>	<b>21,734,434</b>	<b>22,283,443</b>	<b>2.53%</b>	<b>22,283,443</b>	<b>22,283,443</b>

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BUDGET NAME	FY2021 ACTUAL	FY2022 BUDGET	FY2023 REQUEST	Percent Inc./Decr.	SB RECOMM	ADV RECOMM
<b>302 ALGONQUIN REGIONAL HIGH SCHOOL</b>						
<b>REGULAR DAY PROGRAMS</b>						
Administration	758,090	788,415	712,689		712,689	712,689
Instruction	11,497,540	11,871,456	12,174,498		12,174,498	12,174,498
Other Student Services	1,883,345	2,034,337	2,187,175		2,187,175	2,187,175
Operation and Maintenance Buildings	1,812,556	1,814,368	1,988,471		1,988,471	1,988,471
Fixed Charges	4,132,275	4,274,119	4,367,478		4,367,478	4,367,478
New Equipment	2,500	0	0		0	0
Tuition, Other Public Schools	246,891	240,000	200,000		200,000	200,000
Contractual Obligation	0	0	0		0	0
REGULAR DAY PROGRAMS TOTAL	20,333,196	21,022,695	21,630,311		21,630,311	21,630,311
<b>SPECIAL EDUCATION PROGRAMS</b>						
Administration	10,148	18,600	19,000		19,000	19,000
Instruction	2,683,122	2,852,854	2,968,858		2,968,858	2,968,858
Other Student Services	74,406	260,280	334,767		334,767	334,767
Operation and Maintenance Buildings	675	2,000	2,100		2,100	2,100
Fixed Charges	1,562	1,595	1,595		1,595	1,595
Programs, Other Systems in Massachusetts	634,772	813,679	485,237		485,237	485,237
Programs, Member of Collaborative	9,202	5,000	285,213		285,213	285,213
SPECIAL EDUCATION TOTAL	3,413,888	3,954,008	4,096,770		4,096,770	4,096,770
<b>GRAND TOTAL OPERATING BUDGET</b>	<b>23,747,084</b>	<b>24,976,703</b>	<b>25,727,081</b>	<b>3.00%</b>	<b>25,727,081</b>	<b>25,727,081</b>
	<b>NON EXEMPT</b>	<b>EXEMPT</b>	<b>TOTAL</b>	<b>Percent Inc./Decr.</b>		
<b>FY 2022 SOUTHBOROUGH ASSESSMENT</b>	<b>8,220,295</b>	<b>393,181</b>	<b>8,613,476</b>	<b>9.47%</b>		
BUDGET NAME	FY2021 ACTUAL	FY2022 BUDGET	FY2023 REQUEST	Percent Inc./Decr.	SB RECOMM	ADV RECOMM
<b>304 ASSABET VALLEY REGIONAL TECH HIGH SCHOOL</b>						
Southborough Operating Assessment	349,405	400,969	386,629		386,629	386,629
Renovation Project - Capital Assessment	36,393	35,381	34,369		34,369	34,369
SOUTHBOROUGH ASSESSMENT	385,798	436,350	420,998	-3.52%	420,998	420,998
BUDGET NAME	FY2021 ACTUAL	FY2022 BUDGET	FY2023 REQUEST	Percent Inc./Decr.	SB RECOMM	ADV RECOMM
<b>305 NORFOLK COUNTY AGRICULTURAL HIGH SCHOOL</b>						
Tuition/Transportation Assessment	34,297	44,634	44,875		44,875	44,875
NORFOLK COUNTY AGRICULTURAL HIGH SCHOOL	34,297	44,634	44,875	0.54%	44,875	44,875

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**Proposed by:** SELECT BOARD

**Select Board Recommendation:** Support (5-0-0)

**Advisory Committee Recommendation:** Support (7-0-0)

**Summary:** *The article includes recommendations from both the Select Board and the Advisory Committee for the FY23 budget. Funding recommendations are noted in the individual recommendation columns for each department. At the time of printing, the only variance between Select Board and Advisory Committee recommendations was Budget 512 – Board of Health.*

**MOTION MADE:** I move that the Town vote to raise and appropriate and transfer the of \$56,983,269 as may be necessary to fund the Town's operating budget and that the balance of \$54,258,267 be raised and appropriated.

for the Town's use, and make appropriations of the same.

- Transfer from the Cemetery Perpetual care of \$25,000.00
- Transfer from Free Cash of \$1,633,791.00
- Transfer from Capital Articles to Close \$131,466.00
  - 0100-6-192-001-68542 TOWN HOUSE ADA A8 4-9-18 \$16,036.17
  - 0100-6-192-000-52550 MAINT. OF EQUIPMENT \$284.58
  - 0100-6-192-006-68540 DPW AIR COMPRESSOR A8 4-9-18 \$2,560.00
  - 0100-6-192-011-68571 CORDAVILLE HALL RENO A9 6-13-20 \$18,046.81
  - 0100-6-215-000-68562 PS RADIO SYSTEM UPGRADES A13 3-23-19 \$59.03
  - 0100-6-215-000-68566 PS RADIO REPEATER A9 6-13-20 \$302.83
  - 0100-6-220-000-68565 LUCAS DEVICE A9 6-13-20 \$1,515.00
  - 0100-6-400-422-68200 ROAD-SIDEWALK IMPROVE A-4801 \$48,778.58
  - 0100-6-400-425-68401 CHIPPER ATM 5-22-21 \$30,000.00
  - 0100-6-400-421-68545 DPW RADIO SYSTEM A8 4-9-18 \$13,883.00
- Transfer from Overlay Reserve of \$279,201.00
- Transfer from Ambulance Fund, Receipts Reserved of \$407,300.00
- Transfer from Septic Betterment Fund of \$30,097.00
- Transfer from Reserve SBAB Fund Balance of \$2,014.00
- Transfer from Water Enterprise Fund of \$216,133.00

**MOTION MADE:** To pass all non-held budgets as printed in the warrant.

**THESE BUDGETS WERE HELD:** 210 Police Department, 512 Board of Health and 301 Southborough Schools.

**MOTION TO AMEND THE PRIMARY MOTION AND PASS ALL NON-HELD BUDGETS PASSED UNANIMOUSLY.**

**MOTION MADE:** To pass budget 210 Police Department as printed in the warrant.

**MOTION PASSED.**

**AMENDMENT 9-I MADE:** To amend the main motion by reducing the budget for Department #512 Board of Health by \$54,000 to \$206,652 from the amount printed in the warrant of \$260,652.

**AMENDMENT 9-I FAILED BY COUNTED VOTE:** YEA - 99, NAY – 100

**MOTION MADE:** To pass budget 512 Board of Health as printed in the warrant.

**MOTION PASSED.**

**AMENDMENT 9-II MADE:** To amend the main motion by striking the amount '\$22,283,443' for

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Budget #301 Southborough Schools and by substituting the amount of \$22,195,443.

**AMENDMENT 9-II FAILED.**

**MOTION MADE:** To pass budget 301 Southborough Schools as printed in the warrant.

**MOTION PASSED.**

**ARTICLE 10:** To see if the Town will vote to raise a sum of money as may be necessary for the Water Enterprise Fund's use for Fiscal Year 2023, and make appropriations of the same, as detailed following, or do or act anything in relation thereto.

BUDGET NAME	FY 2020 ACTUAL	FY 2021 ACTUAL	FY 2022 BUDGET	FY 2023 REQUEST	PERCENT (+) or (-)
<b>WATER - PUBLIC WORKS</b>					
51000-51990 Total Personal Services	352,225	353,353	368,506	380,023	
52000-58990 Other Charge & Expense	1,307,495	1,308,525	1,705,950	1,425,664	
59100 Principal Long Term Debt Water	410,000	350,000	344,408	345,000	
59150 Interest Long Term Debt Water	135,978	117,385	111,526	97,890	
59250 Interest on Notes	0	6,625	0	10,027	
59510 Indirect Costs	131,239	160,847	204,695	216,133	
<b>CAPITAL EQUIPMENT - LEASE</b>					
DPW DIESEL YEAR 2 OF 7	0	0	10,697	10,708	
DPW HOOK TRUCK YEAR 2 OF 7	0	0	9,169	9,178	
<b>CAPITAL EQUIPMENT</b>					
MINI EXCAVATOR WATER PORTION	0	0	0	20,000	
<b>TOTAL WATER FUND</b>	2,336,937	2,296,735	2,754,951	2,514,623	-8.72%

**Proposed by:** SELECT BOARD

**Select Board Recommendation:** Support (5-0-0)

**Advisory Committee Recommendation:** Support (7-0-0)

**Summary:** *The Water budget is funded through an Enterprise Fund that is supported entirely through the water rates and the fund's retained earnings, which supports all aspects of the department's operation. The funding for those capital items that are being leased/purchased for use by the Water Department, in whole or in part, are included in this budget.*

**MOTION MADE:** I move Article 10 as printed in the warrant.

**MOTION PASSED.**

**MOTION TO RECONSIDER ARTICLE 10 PASSED BY MODERATOR DECLARED 2/3 MAJORITY.**

**[THIS ARTICLE WAS RECONSIDERED AT THE MAY 5, 2022, RECONVENED SESSION.]**

**MOTION MADE:** I move that \$2,298,490 be appropriated for the Water Enterprise Fund and that \$216,133 be included in appropriations from the general fund for indirect costs and be allocated to the Water Enterprise Fund, and that \$2,514,623 be raised as follows:

FY23 Enterprise Revenue: \$2,189,623

FY22 Retained Earnings: \$ 325,000

**MOTION PASSED.**

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**ARTICLE 11:** To see if the Town will vote to raise and appropriate or transfer from available funds, the sum of \$250,000 into the Other Post-Employment Benefits Liability Trust Fund (OPEB Fund) as authorized by General Laws, Chapter 32B, Section 20, in order to offset the anticipated future cost of providing post-retirement health and life insurance benefits to current and future retired Town employees, or do or act anything in relation thereto.

**Proposed by:** SELECT BOARD

**Select Board Recommendation:** Support (5-0-0)

**Advisory Committee Recommendation:** Support (7-0-0)

**Summary:** *This is an annual appropriation into the Town's OPEB Trust Fund that began back in 2014. The appropriation was previously done as part of the operating budget, but further guidance from the Dept. of Revenue has recommended that it be done in a separate article. The funding amount has been the same each year since 2015, and is not changing for FY23.*

**PASSED – CONSENT LIST.**

**ARTICLE 12:** To see if the Town will vote to transfer from Free Cash the sum of \$47,970 for the purposes of sidewalk maintenance and improvements, or do or act anything in relation thereto.

**Proposed by:** SELECT BOARD

**Select Board Recommendation:** Support (5-0-0)

**Advisory Committee Recommendation:** Support (7-0-0)

**Summary:** *The Town received mitigation funds from the Stonebrook Village (\$12,970) and Legacy Farms (\$35,000) projects, to be used for sidewalk maintenance and improvements. The funds needed to close out at the end of the fiscal year to Free Cash, and then be appropriated by Town Meeting before they were available for use.*

**PASSED – CONSENT LIST.**

**ARTICLE 13:** To see if the Town will vote to raise and appropriate, or transfer from available funds a sum of money for General Government capital items for the following purposes:

	Description	Request	Levy	Receipts Reserved Ambulance
A.	Facilities – Fire Alarm upgrade (Senior Center)	\$ 25,000	\$ 25,000	
B.	Facilities – DPW Floor coverings	\$ 15,500	\$ 15,500	
C.	Facilities – Town Hall Restroom Renovations	\$ 40,000	\$ 40,000	
D.	Facilities – Repainting/Repairs (Cordaville Hall)	\$ 25,000	\$ 25,000	
E.	Fire – Pick Up Truck	\$ 60,000		\$ 60,000
F.	Fire – Knox Box for Vehicle	\$ 10,000	\$ 10,000	
G.	Fire – Portable Radios (SEMA/EOC)	\$ 14,000	\$ 14,000	

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H.	Fire – Rescue Tools	\$ 40,000	\$ 40,000	
I.	Fire - PPE	\$ 20,000	\$ 20,000	
J.	DPW – Utility Dump Highway	\$ 95,000	\$ 95,000	
K.	DPW – Mini Excavator	\$ 95,000	\$ 95,000	
L.	DPW – Road Maintenance	\$400,000	\$400,000	
M.	DPW – Northboro Road Culvert	\$ 38,000	\$ 38,000	
N.	Police – Cruiser	\$ 60,000	\$ 60,000	

, or do or act anything in relation thereto.

**Proposed by:** SELECT BOARD

**Select Board Recommendation:** Support (5-0-0)

**Advisory Committee Recommendation:** Support (7-0-0)

**Summary:**

*A. - Funding of this project would allow for the updating of various components that make up the fire alarm system located at Cordaville Hall. The current fire alarm system is controlled by multiple panels tied together in order to operate as one system; generally, fire alarm systems are controlled by one master panel. Although functional, the current system design is not ideal and should be updated.*

*B. New Office Floor Coverings at the D.P.W. Office - Funding of this project would allow for the replacement of the carpets located in the D.P.W. office areas with either new carpeting or another suitable flooring surface.*

*C. Funding of this project would allow for the renovation of the women's restroom located on the first floor of the Town House. Elements of renovation work will include tile replacement, installation of new privacy components, and plumbing upgrades in the subject restroom, which has not had any major betterments for over 40 years. This is the second phase of a two year project.*

*D. Funding of this project would allow for necessary repairs to the various elements that make up the exterior building envelope of Cordaville Hall, as well as the repainting of the main building structure of Cordaville Hall.*

*E. This is the scheduled replacement of the 2008 Ford F-350 4x4 pick-up truck as part of the department's rolling stock inventory. The vehicle is used for emergency response and support, the towing of department and SEMA trailers, and department business. The project will look to purchase and appropriately equip a 2021 or newer Chevrolet or Ford 4x4 pick-up truck that has seating for a minimum of 4 adults and appropriate towing capabilities.*

*F. This is for the purchase of Knox Box Control Units for all apparatus and department vehicles. Knox Keys are used by the department to access Knox Boxes on properties throughout the community. These keys are required to be secured, monitored, and accounted for at all times. The project will fund the purchase of 8 to 10 Knox Box Key Secure 5 units, along with mounting brackets and KnoxConnect Cloud 1 yr. license(s).*

*G. This is for the scheduled replacement of six (6) portable two-way radios. This project will fund the purchase of six (6) APX 8000 All Band portable radio with related equipment. These radios are used by*

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*SEMA, CERT and MRC for event and incident response. This project will ensure emergency communication and interoperable capabilities throughout the town between all emergency and state agencies.*

*H. This is the replacement of the department's 1998 and 2002 gas-powered hydraulic rescue tool sets with a single NFPA 1936 compliant battery-powered set. The 1998 rescue tool set is non-compliant and out of service. The 2002 set is four standards out of date and requires replacement. This project will be removed if the department is successful in an FY21 AFG award. Estimated date of notification by June 30, 2022.*

*I. This is the on-going, scheduled replacement and upgrade of our structural firefighting ensemble inventory in accordance with required National Fire Protection Association (NFPA) Standards. This is year two of a phased replacement program.*

*J. This will replace an F550 dual rear wheeled dump truck for the DPW. Generally called a 1 ton, it is used to carry small loads of materials, stone, patch, sand, that will be shoveled from the bed, or materials, brick, block, cement bags, that need to be lifted off the truck bed.*

*K. This will replace the DPW's second/back-up (1988) backhoe with a mini excavator. This piece of equipment is more versatile than a backhoe. There are attachments for the minis that are universal, from mowing heads to hydraulic hammers. Minis are more maneuverable, take up less space at a work site, and can load trucks regardless of where the truck is located in relation to the front of the machines. A portion of this is also proposed to be funded by the water fund in Article 11.*

*L. These funds are for public roadway, sidewalks and walkway maintenance, repair and construction throughout town. These are expended in conjunction with Chapter 90 roadway improvement funding from the Commonwealth. Prior to committing any FY23 Road Maintenance Funds, a formal plan for the anticipated use of these funds shall be presented to the Capital Planning Committee in a posted public meeting. The Capital Planning Committee should then send any final recommendations or comments related to the Select Board for their final vote and appropriation.*

*M. Replace a rotted culvert in Northborough Road. The culvert has deteriorated over a number of years and now is classified as unusable to vehicles. An additional \$75,000 has already been received by the state to support the cost of this project.*

*N. This proposed cruiser will be a Ford Police Interceptor Utility AWD Hybrid Engine for use by the Lieutenant who is not currently assigned a vehicle. The existing fleet past the six front line patrol cars are not suitable for use in this function due to age and mileage. This vehicle will also be a backup for the Chief and Detective if their vehicles are down for repair or maintenance. It should be noted that this is not adding an additional cruiser to the fleet, as more cruisers were retired in FY22 than were placed in service, therefore, it restores the existing number of vehicles that were in service at the beginning in FY22.*

**MOTION MADE: I move Article 13 as printed in the warrant.**

**AMENDMENT 13-I MADE:** To amend the main motion by striking the words 'Item M [Northboro Rd culvert]'.  
**AMENDMENT 13-I FAILED.**

**AMENDMENT 13-II MADE:** To amend the main motion by striking the words 'Item E [Fire Pickup truck] and G [Fire portable radios]', and reduce Item F [Fire Knox Box} from \$10, 000 to \$6,000. Additionally, we want to amend the funding source for Item N [Police cruiser] from Levy to Receipts/Reserved Ambulance.

**MOTION TO INDEFINELY POSTPONE THE AMENDMENT FAILED.**

**AMENDMENT 13-II PASSED.**



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**AMDNEMENT 13-III MADE:** To amend the main motion by striking the words “\$15,500 [Item B DPW floor covering” in Article 13 chart.]

**AMDEMENT 13-III FAILED.**

**MOTION TO APPROVE ARTICLE 13 AS AMENDED PASSED.**

The result of Article 13, as amended and approved by the voters is shown below:

	Description	Request	Levy	Receipts Reserved Ambulance
A.	Facilities – Fire Alarm upgrade (Senior Center)	\$ 25,000	\$ 25,000	
B.	Facilities – DPW Floor coverings	\$ 15,500	\$ 15,500	
C.	Facilities – Town Hall Restroom Renovations	\$ 40,000	\$ 40,000	
D.	Facilities – Repainting/Repairs (Cordaville Hall)	\$ 25,000	\$ 25,000	
E.	<del>Fire – Pick Up Truck</del>	<del>\$ 60,000</del>		<del>\$ 60,000</del>
F.	Fire – Knox Box for Vehicle	\$ 6,000	\$ 6,000	
G.	<del>Fire – Portable Radios (SEMA/EOC)</del>	<del>\$ 14,000</del>	<del>\$ 14,000</del>	
H.	Fire – Rescue Tools	\$ 40,000	\$ 40,000	
I.	Fire - PPE	\$ 20,000	\$ 20,000	
J.	DPW – Utility Dump Highway	\$ 95,000	\$ 95,000	
K.	DPW – Mini Excavator	\$ 95,000	\$ 95,000	
L.	DPW – Road Maintenance	\$400,000	\$400,000	
M.	DPW – Northboro Road Culvert	\$ 38,000	\$ 38,000	
N.	Police – Cruiser	\$ 60,000		\$ 60,000

**ARTICLE 14:** To see if the Town will vote to appropriate a sum of money for the payments of the capital lease agreements as described below:

	Equipment	Authorized Department	Source of Appropriation	FY23 Amount
A.	1 - Horton Type Ambulance	Fire Department	FY23 Capital Budget - Ambulance Fund	\$57,190
B.	1 - Swaploader Hook Lift Truck	Dept. of Public Works	FY23 Capital Budget - General Fund	\$25,240
C.	1 - Pick Up Diesel F-350	Dept. of Public Works	FY23 Capital Budget - General Fund	\$10,708
D.	1 - Fire Dept Chief Vehicle	Fire Department	FY23 Capital Budget - General Fund	\$9,178

, or do or act anything in relation thereto.

**Proposed by:** SELECT BOARD

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**Select Board Recommendation:** Support (5-0-0)

**Advisory Committee Recommendation:** Support (7-0-0)

**Summary:** *The lease agreements for these vehicles were authorized by Town Meeting in 2021, and these are the second year of the lease payments. With the exception of the Fire Ambulance (5-year lease), all of the leases are for 7 years.*

**PASSED – CONSENT LIST.**

**ARTICLE 15:** To see if the Town will appropriate \$2,663,700 or any other amount, to pay costs of replacing water lines and making water delivery improvements to Newton Street and Main Street; to determine whether this amount shall be raised by transfer from available funds, borrowing or otherwise provided, or do or act anything in relation thereto.

**Proposed by:** SELECT BOARD

**Select Board Recommendation:** Support (5-0-0)

**Advisory Committee Recommendation:** Support (7-0-0)

**Summary:** *This project replaces the 1931 cast iron water mains in Newton Street and a small part of Main Street. The replacement will result in improved water flow and, therefore, water quality in the area. Part of the funding for the project is being repurposed from a prior water project that had available residual funds.*

**MOTION MADE:** That the Town appropriates \$2,000,000 to pay costs of replacing water lines and making water delivery improvements to Newton Street, East Main Street and Main Street and that to meet this appropriation, (i) \$51,136 shall be transferred from borrowed funds remaining after the completion of the water improvements authorized under Article 4 of the Warrant at the 2009 Annual Town Meeting, (ii) \$925,458 shall be transferred from borrowed funds remaining after the completion of the water improvements authorized under Article 9 of the Warrant at the 2014 Annual Town Meeting, and (iii) the Treasurer, with the approval of the Select Board, is authorized to borrow \$1,023,406 under and pursuant to G.L. c. 44, §7(1) or §8(5), or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.

**MOTION PASSED BY MODERATOR DECLARED 2/3 MAJORITY.**

**ARTICLE 16:** To see if the Town of Southborough will vote to appropriate the amount of Nine Hundred Fifty Thousand (\$950,000) Dollars for the purpose of paying costs of a feasibility study for the Margaret A. Neary School located at 53 Parkerville Street, Southborough, MA, including the payment of all costs incidental or related thereto, and for which the Town of Southborough may be eligible for a grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended under the direction of the Neary School Building Committee. To meet this appropriation the Town Treasurer, with the approval of the Select Board is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, or pursuant to any other enabling authority. The Town of Southborough acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town of Southborough incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town of Southborough, and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the Town of Southborough and the MSBA; or do or act anything in relation thereto.

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**Proposed by:** SELECT BOARD

**Select Board Recommendation:** Support (5-0-0)

**Advisory Committee Recommendation:** At Town Meeting (7-0-0)

**Summary:** *As a result of almost two years of work of various Committees, this article will allow for the proper feasibility study (both OPM and design fees) to determine the appropriate additions, renovations or new construction that is required for the Neary School. This project was recently accepted into the eligibility period by the Massachusetts School Building Authority. Funding of this article will achieve one of the necessary steps of the eligibility period. The amount appropriated will be overseen by the Neary School Building Committee in coordination with any necessary policies set forth by the MSBA if the project is to proceed to the next phase.*

**MOTION MADE:** To move the article as printed in the warrant.

Presentation by Jason Malinowski, Neary School Building Committee representative.

**MOTION TO MOVE THE QUESTION PASSED BY MODERATOR DECLARED 2/3 MAJORITY.**

**MOTION PASSED BY MODERATOR DECLARED 2/3 MAJORITY.**

**MOTION TO ADJOURN THE MAY 4, 2022, ANNUAL TOWN MEETING AND RECONVENE ON MAY 5, 2022 AT 6:30 PM PASSED AT 11:12 PM.**

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The reconvened session of the Annual Town Meeting was duly called on Thursday, May 5, 2022 at 6:30PM and held in the auditorium at Algonquin Regional High School, 79 Bartlett Street, Northborough MA. Town Moderator Paul M. Cimino called the meeting to order at 6:45PM and announced that a quorum was present (100 voters = quorum), 166 voters were present. The following Articles were voted on in a legal manner.

**ARTICLE 17:** To see if the Town will vote to raise and appropriate the sum of \$5,000 for the purpose of paying the Town's share of casualty and other losses incurred to Town property and equipment which are not covered by insurance policies, or do or act anything in relation thereto.

**Proposed by:** SELECT BOARD

**Select Board Recommendation:** Support (5-0-0)

**Advisory Committee Recommendation:** Support (7-0-0)

**Summary:** *This article will provide funds to be used to pay the deductible for property damage which is not covered by insurance.*

**PASSED – CONSENT LIST.**

**ARTICLE 18:** To see if the Town will vote to raise and appropriate or transfer from any available funds the sum of \$50,000 for the purpose of paying to retirees the amount due for accrued vacation and sick time, or do or act anything in relation thereto.

**Proposed by:** SELECT BOARD

**Select Board Recommendation:** Support (5-0-0)

**Advisory Committee Recommendation:** Support (7-0-0)

**Summary:** *This article will fund any vacation and sick pay due to employees upon their retirement.*

**PASSED – CONSENT LIST.**

**ARTICLE 19:** To see if the Town will vote to raise and appropriate, borrow and appropriate or transfer from available funds the sum of \$100,000 for the ongoing maintenance of capital equipment and systems associated with town buildings and facilities. The Town Facilities Manager shall recommend appropriate projects to the Town Administrator. The Town Administrator shall approve all expenditures under this article. The Town Facilities Manager shall report all funded projects to the Capital Improvement and Planning Committee as requested, or do or act anything in relation thereto.

**Proposed by:** SELECT BOARD

**Select Board Recommendation:** Support (5-0-0)

**Advisory Committee Recommendation:** Support (7-0-0)

**Summary:** *This article will provide for the maintenance and repair of capital equipment and systems associated with the Town's buildings and facilities.*

**PASSED – CONSENT LIST.**

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**ARTICLE 20:** To see if the Town will vote pursuant to Massachusetts General Laws, Chapter 44 § 53E ½ to authorize the following spending limits for Fiscal Year 2023:

1. Immunization/emergency dispensing clinic; \$12,000.
2. Inspectional services; \$100,000.
3. 9-11 Field Maintenance; \$100,000.
4. Wetland Protection; \$30,000.
5. Hazardous materials; \$75,000.
6. CPR classes; \$6,500.
7. Community garden; \$2,500.
8. Recreation programs; \$500,000.
9. Tobacco Control Program; \$4,000.
10. Golf Course maintenance; \$75,000.

, or do or act anything in relation thereto.

**Proposed by:** BOARD OF HEALTH, SELECT BOARD, RECREATION COMMISSION, AND CONSERVATION COMMISSION

**Select Board Recommendation:** Support (5-0-0)

**Advisory Committee Recommendation:** At Town Meeting (7-0-0)

**Summary:** *This article approves the annual spending limits for revolving funds that are now authorized by Town by-law.*

**PASSED – CONSENT LIST.**

**ARTICLE 21:** To see if the Town will vote to accept the report of the Community Preservation Committee for the FY 2023 Community Preservation Projected Receipts and act upon the recommendations of the Community Preservation Committee and to set aside for later expenditure, certain sums of money from the Community Preservation Fund established pursuant to Chapter 44B of the General Laws, as follows:

Estimated Surcharge Receipts (based on Town Treasurer's projections) .....	\$ 394,606
State Match (projected FY2023 State Match) .....	\$ 133,700
FY22 State Match Adjustment .....	\$ 88,505
Total Projected Revenue.....	\$ 616,811

Set Aside- Open Space

\$61,681 to be set aside, held in the Community Preservation Fund, and spent in FY2023 or later years for acquisition, creation, or preservation of open space, and for the rehabilitation and/or restoration of open space acquired under the Community Preservation Act.

Set Aside – Historic Preservation

\$61,681 to be set aside, held in the Community Preservation Fund, and spent in FY2023 or later years for the acquisition, preservation, rehabilitation, and restoration of historic resources.

Set Aside – Community Housing

\$61,681 to be set aside, held in the Community Preservation Fund, and spent in FY2023 or later years for the creation, preservation, and support of community housing, and for the rehabilitation and/or restoration of community housing acquired under the Community Preservation Act.

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Administrative Costs – Community Preservation Committee

\$30,840 to defray the administrative and operating expenses of the Community Preservation Committee in FY2023 for the Community Preservation Fund

Set Aside - Budgeted Reserve/Discretionary

\$ 400,928 *Reserved for FY23 CPF (Budgeted Reserve/Discretionary)*

, or do or act anything in relation thereto.

**Proposed by:** COMMUNITY PRESERVATION COMMITTEE

**Select Board Recommendation:** Support (5-0-0)

**Advisory Committee Recommendation:** Support (7-0-0)

**Summary:** *The budget and set asides are an annual requirement under the Community Preservation Act.*

**PASSED – CONSENT LIST.**

**ARTICLE 22:** To see if the Town will vote to appropriate \$ 80,473.50 to be applied towards the bond for the Perpetual Preservation Restriction on 84 Main Street also known as the Burnett House for the purpose of Historic Preservation. \$61,681.00 from the CPA Historic Preservation Reserve Fund FY2023 and \$18,792.50 from the CPA FY2022 Fund Balance. Said funds to be expended under the direction of the Community Preservation Committee and the Town Treasurer; or do or act anything in relation thereto.

**Proposed by:** COMMUNITY PRESERVATION COMMITTEE

**Select Board Recommendation:** Support (5-0-0)

**Advisory Committee Recommendation:** Support (7-0-0)

**Summary:** *This article is the Community Preservation Fund payment towards the FY2023 debt funding for the Preservation Restriction of 84 Main Street as approved at the 2016 Annual Town Meeting.*

**MOTION MADE:** To move the article as printed in the warrant.

**MOTION PASSED UNANIMOUSLY.**

**ARTICLE 23:** To see if the Town will vote to appropriate a total of \$ 70,275.00 to be applied towards the bond for the renovation and restoration of the Historic Southborough Library building for the purpose of Historic Preservation. \$70,275.00 from the CPA FY2022 Fund Balance. Said funds to be expended under the direction of the Community Preservation Committee and the Town Treasurer; or do or act anything in relation thereto.

**Proposed by:** COMMUNITY PRESERVATION COMMITTEE

**Select Board Recommendation:** Support (5-0-0)

**Advisory Committee Recommendation:** Support (7-0-0)

**Summary:** *This article is the Community Preservation Fund payment toward the debt funding for the renovation and restoration of the Historic Southborough Library as approved at the 2019 Annual Town Meeting.*

**PASSED – CONSENT LIST.**

**ARTICLE 24:** To see if the Town will vote to appropriate \$61,820 from the CPA FY2022 Fund Balance for the rehabilitation and restoration of the Mooney Tennis Courts, for recreation purposes as requested by the Recreation Department. This consists of \$56,200 in project costs and an additional \$5,620 in contingency funding. Contingency funds only available after approval of the CPC for unexpected costs unforeseen at the time of application. This project is to resurface two courts located at the Mooney Field

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Complex, at or near 60 Richards Road, Southborough MA. In addition to resurfacing both courts, the project will include the installation of new lines for both tennis and pickleball.

Project to be completed in conformance with details as presented to the members of the CPC and to be documented in the application and signed Memorandum of Understanding. Said funds to be expended under the direction of the Community Preservation Committee and the Town Treasurer; or do or act anything in relation thereto.

**Proposed by:** COMMUNITY PRESERVATION COMMITTEE

**Select Board Recommendation:** Support (5-0-0)

**Advisory Committee Recommendation:** At Town Meeting (7-0-0)

**Summary:** *Under the direction of the Recreation Director Tim Davis and the Southborough Recreation Department, said funds will be used to rehabilitate and restore two tennis court surfaces located at Mooney Field Complex. These facilities are widely used by the schools, by the Recreation Department for programs, and by residents. The courts have deteriorated to the point where it affects their ability to be used properly and safely. In addition to resurfacing, the courts will be painted to allow pickleball to be played as well as tennis.*

**MOTION MADE:** To move the article as printed in the warrant

**MOTION PASSED UNANIMOUSLY.**

**ARTICLE 25:** To see if the Town will vote to allow the Select Board to both accept an easement of land from The Trustees and St. Marks School of Southborough, Inc. and grant an easement to the same, said easements to facilitate the reorientation of St. Marks Street as well as the development of park and parking facilities related thereto, all as shown on plans on file with the Town Clerk, or do or act anything in relation thereto.

**Proposed by:** SELECT BOARD

**Select Board Recommendation:** Support (5-0-0)

**Advisory Committee Recommendation:** Support (5-2-0)

**Summary:** *This article replaces the current license with an easement related to the St. Mark's Street project.*

**MOTION MADE BY SELECT BOARD MEMBER HEALEY TO INDEFINITELY POSTPONE THE ARTICLE FAILED.**

**[THE SELECT BOARD THEN DECLINED TO MAKE A MOTION TO MOVE ARTICLE 25.]**

**MOTION MADE:** [By Resident Michael Weishan] To see if the Town will vote to allow the Select Board to both accept an easement of land from The Trustees and St. Marks School of Southborough, Inc. and grant an easement to the same, said easements to facilitate the reorientation of St. Marks Street as well as the development of park and parking facilities related thereto, all as shown on plans on file with the Town Clerk, or do or act anything in relation thereto.

**[Pursuant to a request from the hall a video produced by resident Michael Weishan was displayed.]**

**MOTION FAILED TO RECEIVE A 2/3 MAJORITY AS DECLARED BY THE MODERATOR.**

**ARTICLE 26:** To see if the Town will vote to amend its general bylaws by inserting a new provision entitled "Noise" as Chapter XX thereof, as follows:

**XX. NOISE**

**SECTION 1: SCOPE**

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The citizens of Southborough have a right to and should be ensured an environment free from excessive noise. This bylaw is enacted to minimize excessive noise which may jeopardize the health and welfare of its citizens or degrade their quality of life.

## **SECTION 2: DEFINITIONS**

**Contracted Work:** Businesses or other entities that are retained to do work on property and which generates noise, including but not limited to: renovation, landscaping, property maintenance, construction, demolition, deliveries.

**Demolition Permit:** A permit for the removal of any structure or part thereof on any lot.

**Distinctly Audible:** Any sound that can be understood by a person using his or her unaided hearing faculties. For example, if music is playing, the words or instrumentation is discernable; or if a conversation is occurring, the words and context of a conversation can be understood.

**Enforcement Official:** A duly designated police officer shall be an "Enforcement Official".

**Holidays:** New Year's Day (January 1); Memorial Day (last Monday in May); Independence Day (July 4); Labor Day (first Monday in September); Thanksgiving Day (fourth Thursday in November); and Christmas Day (December 25).

**Homeowners:** work performed by an owner or occupant of a residential property which generates noise, including but not limited to: renovation, construction, landscaping, property maintenance.

**New Construction Permit:** A permit for new residential or commercial construction on any lot, whether or not Planning Board approval is required, excluding both renovations and additions.

## **SECTION 3: STANDARDS**

### **Exterior Noise Standards**

Unless further defined by standards within this bylaw, it shall be unlawful for any person at any location within the area of the Town to create any loud noise, or to allow the creation of any loud noise, on property owned, leased, occupied or otherwise controlled by such person, which causes an unreasonable disturbance beyond the property line that disturbs the peace.

### **Homeowner Work Noise Standards**

Noise associated with Homeowner work is allowed between 7:00 AM and 8:00 PM on weekdays, 8:00 AM and 9:00 PM on Saturdays, Sundays and Holidays.

### **Contracted Work Noise Standards**

1. Noise associated with Contracted Work is allowed between 7:00 AM and 7:00 PM on weekdays and 8:00 AM and 6:00 PM Saturdays. Contracted Work shall not be allowed on Sundays or Holidays.
2. Any work that generates an unreasonable noise disturbance beyond the property line with a New Construction Permit or Demolition Permit is only allowed between 7:00 AM and 6:00 PM on weekdays and 8:00 AM and 2:00 PM Saturdays. This activity shall not be allowed on Sundays or Holidays.

## **SECTION 4: PROHIBITED ACTIVITIES**

The following activities are prohibited if they generate an unreasonable disturbance:

1. Yelling, shouting, whistling, singing, playing music or the making of any loud noises so as to annoy or disturb the reasonable quiet, comfort or repose of identified persons is prohibited between the hours of 11:00 p.m. and 7:00 a.m.
2. Noise from truck idling- No person shall operate an engine of any standing motor vehicle with a weight in excess of ten thousand (10,000) pounds GVW (gross vehicle weight) for a period in excess of ten (10) minutes when such vehicle is parked on a residential property or on a street or way abutting a residential property, except where such vehicle is standing within a



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completely enclosed structure. This section shall not apply to delivery or pickup vehicles that require the operation of the engine to unload or load their cargo or equipment.

3. Motor vehicles operating within the town of Southborough in violation of MGL c. 90, § 16 which addresses harsh, objectionable or unreasonable noises.
4. Noise that is audible beyond the property line while loading or unloading trucks between the hours of 9 P.M. and 7 A.M. unless otherwise permitted.
5. No trash collection or dumpster collection shall take place in any area designated as, or directly abutting a residential zone between the hours of 9 P.M. and 7 A.M.
6. Any establishment granted a license for entertainment that is amplified by microphone, amplifier, or the like will be subject to this Bylaw. The entertainment should not be distinctly audible beyond the property boundaries of the establishment.
7. No establishment granted a liquor license shall permit noise to be distinctly audible beyond the premises between the hours of 9:00 P.M. and 7 A.M.
8. Unreasonably loud and disruptive noise emitted by a domesticated animal for a duration of more than 20 minutes intermittently, defined as an average of two vocalizations or more per minute in that period. A domesticated animal includes any animal that a person owns, controls or otherwise cares for.

**SECTION 5: EXEMPTIONS**

Noise limits in this regulation shall not apply to noise emitted by or related to any of the following:

1. The emission of sound for the purpose of alerting persons to the existence of an emergency or the emission of sound in the performance of emergency work or in training exercises related to emergency activities, specifically including, but not limited to any vehicle, device or equipment in the performance of emergency work.
2. Emergency activities including but not limited to: storm cleanup, power outages, snow removal, and use of generators provided that, to the extent practical or feasible, such equipment be operated with a working muffler and/or a sound reduction device while in use.
3. Non-commercial speech as guaranteed by, and subject to the limitations of, State and Federal constitutions.
4. Any bell or chime from any school or church, and any device used in conjunction with places of religious worship.
5. Parades, public gatherings, or events for which appropriate permits or licenses have been issued or which are constitutionally protected.
6. Necessary work on bridges, streets, or highways, or any public utility installation by or on behalf of the Town, or any public utility or any agency of the Commonwealth of Massachusetts.
7. Farming equipment or farming activity as defined by MGL c. 128, § 1A.
8. Any activity to the extent the regulation thereof has been preempted by State or Federal laws or regulations.

**SECTION 6: VIOLATIONS AND PENALTIES**

Any person or business who violates any provision of this bylaw, if found responsible, may be fined as follows:

A warning for the first offense;

\$50 for the second offense within 180 days of first offense;

\$100 for the third offense within 180 days of second offense;

\$300 for each succeeding offense within 180 days of the preceding offense;

provided that an Enforcement Official shall have the option to issue a warning instead of a fine for violations if, in the Enforcement Official's reasonable judgment and sole discretion, a warning is

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appropriate under the circumstances. Each day of violation of any provision of this chapter, whether such violation is continuous or intermittent, shall be construed as a separate and succeeding offense.

Fines may be administered by the Enforcement Official in accordance with MGL c. 40, §21D.

**SECTION 7: ENFORCEMENT**

1. The Police Department shall be charged with the enforcement of the provisions of this bylaw.
2. All Town departments and agencies shall, to the fullest extent consistent with other laws, carry out their programs in such a manner as to further the policy of this bylaw.
3. All Town departments and agencies shall comply with Federal, State and local laws and regulations and the provisions and intent of this bylaw respecting the control and abatement of noise to the same extent that any person is subject to such laws and regulations.
4. Temporary exceptions (no more than 3 days) to this bylaw may be granted by the Select Board. The Select Board shall establish appropriate procedures for processing applications, including such hearing(s) as the Select Board deems appropriate. The Select Board may require notification of the activity to all abutters within three hundred (300) feet of the exception location.

**SECTION 8: SEVERABILITY**

If any provision or portion of a provision of this chapter is held to be unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the chapter shall not be invalidated.

; or do or act anything in relation thereto.

**Proposed by:** SELECT BOARD

**Select Board Recommendation:** Support (5-0-0)

**Advisory Committee Recommendation:** At Town Meeting (7-0-0)

**Summary:** *As a result of the 2021 Town meeting, an ad hoc committee was formed to create this proposed noise bylaw. Many, but not all, residents have their tranquility and health threatened by noise near their homes. This proposed noise bylaw implements a simple date and time approach to noise regulation in which homeowners are still in control of their property and paid contractors have to act neighborly while doing their work. Noise enforcement is not possible without a bylaw on the books.*

**MOTION MADE:** I move the article as printed in the warrant, and to allow the Town Clerk to modify town code numbering if necessary.

**AMENDMENT 26-I MADE:** I move to amend the main motion by striking the words '8:00 PM' [homeowner work noise standards] also strike: 'weekdays' and by substituting the words '9:00 PM' and insert 'Everyday'

**AMENDMENT 26-I FAILED.**

**AMENDMENT 26-II** was submitted by resident Peter LaPine.

**MOTION TO SPLIT THE AMENDMENT INTO 2 PARTS PASSED.**

**Amendment 26-IIA MADE:** I move to amend by striking the words found in section 6: 'Violations and Penalties' after the heading, that's all the words, and by substituting the words 'both the homeowner and the operator may be fined up to \$50 for the first violation, \$100 for the second violation and \$200 for each subsequent violation.' These penalties are consistent with other Massachusetts town bylaws.

**AMENDMENT 26-IIA FAILED.**

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**AMENDMENT 26-IIB MADE:** I move to amend by adding the following words, ‘gas powered leaf blower use by any user is limited to the following spring and fall cleanup periods; Spring: March 15 to May 1, Fall: October 15 to December 15.’ After the words listed in number eight (8) found in Section 4: Prohibited Activities.

**AMENDMENT 26-IIB FAILED.**

**AMENDMENT 26-III MADE:** I move to amend the main motion by striking the words in section 4.8  
**AMENDMENT 26-III FAILED.**

**AMENDMENT 26-IV MADE:** I move to amend the main motion by striking the words in Section 3, subsection 1: Work Standards: strike ‘7:00 AM-7:00 PM on weekdays’ strike ‘8:00 AM-6:00 PM’. Subsection 2: strike ‘7:00 AM’ and by substituting the words 8:00 AM-6:00 PM on weekdays; insert 9:00 AM—5:00 PM on Saturdays, Subsection 2: insert 8:00AM on weekdays. [Moderator clarified the intent of Amendment 26-IV for the hall]

**AMENDMENT 26-IV FAILED.**

**MAIN MOTION PASSED BY A COUNTED VOTE YEA – 89 NAY – 61**

*Approved by the Attorney General on August 26, 2022.*

**ARTICLE 27:** To see if the Town will vote to amend Chapter 153, entitled Trees, of the Town bylaws by adding **§ 153-5, Tree Protection Bylaw**, as follows:

**§ 153-5. TREE PROTECTION BYLAW**

**A. PURPOSE.**

- (1) The Town of Southborough (“Town”) is a designated Tree City. The residents of the Town recognize that the preservation of existing trees and the promotion of new tree planting is a public purpose that protects the public health, welfare, environment, and aesthetics of the Town and its citizens. Trees serve a wide variety of functions, which promote the health, safety, and welfare of residents. These functions include:
  - (a) Conserving energy, by providing shade and evaporative cooling through transpiration;
  - (b) Improving local and global air quality by absorbing carbon dioxide and ozone, absorbing particulate matter, and producing oxygen;
  - (c) Reducing wind speed and directing air flow;
  - (d) Reducing noise pollution;
  - (e) Preserving ecosystems by providing habitat for birds, small mammals, insects and other wildlife;
  - (f) Filtering and screening glare on roadways and increasing pavement life;
  - (g) Reducing storm runoff and the potential for soil erosion;
  - (h) Increasing real property values; and
  - (i) Enhancing visual and aesthetic qualities that attract visitors and businesses.
- (2) The purpose of this bylaw is to preserve and protect the Town’s public shade trees in accordance with the provisions of Massachusetts General Law (MGL) Chapter 87 and Chapter 40, Section 15C. It is also intended to encourage the planting of more public shade trees than

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are removed to compensate for tree losses and the length of time required for a tree to reach maturity.

**B. DEFINITIONS.**

**DBH (Diameter at Breast Height)** is the diameter of the trunk of a tree 4 ½ feet above the average existing grade at the base of the tree.

**Drip line** means a vertical line running through the outermost portion of the crown (i.e., the outer branch tips) of a tree and extending to the ground.

**Excessive pruning** means the removal of more than one-third of the tree canopy or cutting back the limbs to a point that prevents the natural growth of the tree.

**Imminent hazard** means the existence of a condition that presents a substantial likelihood that death, serious illness, severe personal injury, or a substantial endangerment to health, property, or the environment is likely to occur before a notice and hearing to abate the risk of harm can be completed.

**Public shade tree** is: (a) any tree within or on the boundaries of a public right-of-way, including scenic roads, except for a state highway; or (b) a tree that is not within or on the boundaries of a public right-of-way, but planted by the Tree Warden upon adjoining land at a distance not exceeding 20 feet from the layout of such public way with the written consent of the owner of such adjoining land in accordance with the provisions of MGL c. 87, §7.

If the highway boundaries are unclear because the boundaries between public and private land cannot be made certain by land records or monuments, the tree is presumed to be a public shade tree according to MGL c. 87, §1.

**Public right of way** is the portion of land controlled or owned by the Town within which an accepted public street or road lies. Typically, the public right-of-way is wider than the road surface and often includes curbs, sidewalks, utilities, public shade trees and grass strips.

**Southborough Tree Fund** is a revolving fund, established by Article 27 at the 2022 Annual Town Meeting, used exclusively for the purchase and planting of public shade trees, and related expenses.

**Topping** means the severe cutting back of limbs to stubs within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

**Tree City** the Tree City USA program was founded in 1976 to celebrate towns and cities committed to growing their urban canopy. Led by the Arbor Day Foundation, with partners at USDA Forest Service and National Association of State Foresters, it provides the foundational framework necessary for communities to manage and expand their tree cover.

**Tree removal** means the cutting down of any public shade tree and/or any other act that will likely cause such a tree to die within a three-year period, including but not limited to improper or excessive pruning and construction, demolition, and excavation activities.

**Utility** shall mean a company engaging in the distribution of electricity or owning, operating or controlling distribution facilities; provided, however, that a distribution company shall not include any entity which owns or operates a plant or equipment used to produce electricity, steam and chilled water, or an affiliate engaged solely in the provision of such electricity, steam and chilled water, where the electricity produced by such entity or its affiliate is primarily for the benefit of hospitals and nonprofit educational institutions, and where such plant or equipment was in operation before January 1, 1986.

**C. TREE WARDEN.**

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- (1) The Tree Warden shall be the agent of the Town having primary enforcement responsibilities under this chapter and MGL c.87. The Tree Warden is called upon to balance the needs between protection of public trees and protection of the public from hazardous or obstructive trees. The Select Board shall have the right to review the conduct, acts and decisions of the Tree Warden.
- (2) Pursuant to MGL c.41 §106, the Tree Warden shall be appointed by the Select Board and shall hold at least an Associate of Science Degree in Arboriculture / Urban Forestry or a related degree or demonstrated equivalent knowledge and experience; and although not required it is preferred that the Tree Warden also hold a current arborist certification from either the Massachusetts Arborist Association or the International Association of Arboriculture; and have at least three (3) years supervisory experience in commercial or municipal tree care; and shall obtain a Massachusetts Pesticide License within 90 days of employment.
- (3) The Select Board may appoint a Deputy Tree Warden to perform the roles and responsibilities of the Tree Warden during vacation, sick time, and any paid or unpaid leave of absence. The deputy must have substantial experience and qualifications and shall comply with all rules and obligations of this bylaw.
- (4) The duties or responsibilities of the Tree Warden shall conform to the MGL c. 87 and shall include, but not be limited to the following:
  - (a) Planting new public shade trees;
  - (b) Pruning of public shade trees for safety and health;
  - (c) Removal of public shade trees that are dead and dying;
  - (d) Maintaining a Public Shade Tree Inventory and Public Shade Tree Management Plan;
  - (e) Assessment of public shade trees for potential hazard;
  - (f) Oversight of utility arboriculture operations and of all contracted tree work on public shade trees;
  - (g) Conducting public Tree Hearings;
  - (h) Enforcement of the provisions of this bylaw and MGL c. 87;
  - (i) Care, control and management of all trees within public rights-of-way, adjacent to public buildings on public land, and on public commons;
  - (j) Expenditure of funds for public shade tree planting and maintenance consistent with this bylaw and MGL c.87;
  - (k) Coordination with the Planning Board; Conservation Commission; Recreation Commission; and interested citizen groups on matters related to urban forestry and public tree management;
  - (l) Promulgate regulations outlining the care and preservation of public shade trees and the establishment of fees and fines;
  - (m) Maintain a list of all Town roads designated as Scenic Roads and
  - (n) Other responsibilities consistent with this bylaw and Massachusetts General Laws.

**D. JURISDICTION.**

- (1) This bylaw applies to all public shade trees in the Town. The Tree Warden in conjunction with the Planning Board shall have jurisdiction over all trees to which this bylaw applies as set forth in MGL. c. 87 and c. 40, §15C.

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- (2) This bylaw applies to all persons, agencies, departments, firms (including utility companies) and applicants either residing or conducting activities in the Town of Southborough.
- (3) If any public shade tree may be impacted by construction, demolition or excavation activities under the jurisdiction of the Town's Building Department, Planning Board, Zoning Board of Appeals, or other Town Department or Board: (1) the owner or applicant of the affected property and any person engaging in such activities shall be required to comply with the provisions of this bylaw; and (2) the owner or applicant shall notify the Tree Warden of such activities.
- (4) A public shade tree may not be trimmed, pruned or removed by any person other than the Tree Warden until and unless, after consultation with either the Town Planner or Planning Board, the Tree Warden issues a written permit pursuant to this bylaw.
- (5) A permit from the Tree Warden shall also be required of any person for: (1) planting a public shade tree, (2) engaging in construction or demolition activities within the drip line of a public shade tree and (3) engaging in excavation activities that may disturb a public shade tree, including but not limited to the installation of utility lines.
- (6) The Tree Warden shall issue standards for planting public shade trees for which a permit is required under this chapter. Such standards shall include: (1) listing of trees acceptable for planting, (2) site selection, (3) priorities for tree planting locations, (4) spacing of street trees, and (5) planting guidelines.

**E. PLANTING NEW TREES WITHIN THE PUBLIC RIGHT OF WAY.**

- (1) Any property owner may petition the Tree Warden to plant a tree within a public right-of-way. It is understood that some rights-of-way are not suitable for the planting of trees and that some species of trees are not suitable for public rights-of-way. For this reason, it is understood that the permit is discretionary on the part of the Tree Warden and is not to be construed as a right.
- (2) The Tree Warden may grant a petitioner permission for planting one or more trees within a public-right-of way, subject to the following:
  - (a) All work in a public right-of-way shall be conducted to the specifications of the Tree Warden.
  - (b) All costs incurred in the course of planting the tree(s), including related work, regardless of contractor, shall be the responsibility of the petitioner.
  - (c) The petitioner shall work with the Tree Warden to select an appropriate native species tree and location that will not interfere with buried or above ground utilities and will minimize root damage to streets and sidewalks.
  - (d) The petitioner shall execute a release in favor of the Town.

**F. PROHIBITED ACTIVITIES.**

- (1) It shall be unlawful for any person, firm, or Town department to engage in any of the following activities relating to public shade trees:
  - (a) topping;
  - (b) excessive pruning;
  - (c) girdling tree trunks;
  - (d) cutting or poisoning tree roots;
  - (e) causing any other kind of injury;
  - (f) pollarding the top and branches of a tree;

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- (g) tree stapling, cutting, painting, marking, hanging any public messages on trees or tree trunks without a permit
- (h) tree removal without a permit.

**G. PROCESS TO REQUEST PUBLIC SHADE TREE PRUNING OR REMOVAL.**

- (1) Applications for permits for public shade tree pruning or removal must be made to the Tree Warden not less than three (3) business days in advance of the time the work is to commence with the exception that if the work consists of tree removal, the application shall be made no less than **thirty (30) days** in advance.
- (2) At the time that the application is submitted, applicants shall pay a non-refundable per inch DBH fee, per the Tree Warden's regulations, for any public shade tree removed to the Southborough Tree Fund. Town departments must apply for permits but are exempt from payment of an application fee. The Tree Warden shall waive the application fee for those applicants who are planting public shade trees in accordance with a planting plan previously approved by the Tree Warden.
- (3) Site Visits: The Tree Warden shall, and the Planning Board and interested parties may, inspect the tree before the hearing.

**H. PUBLIC HEARING.**

- (1) Except as provided in Section K (Emergency Tree Removal) of this bylaw, the Tree Warden shall not remove any public shade tree with a DBH greater than 1.5 inches or grant a permit for the tree removal for a public shade tree without first conducting a public hearing. Where a public hearing is required, the Tree Warden shall, in accordance with the provisions of MGL c. 87, §3, issue a notice of the time and place of the hearing, which notice shall identify the size, type and location of the tree to be cut down or removed. The Tree Warden shall also post the notice in two or more public places in Southborough, including the Town's website, and in public view upon the tree at least fourteen (14) days before such hearing and publish it in a newspaper of general circulation in Southborough once in each of two successive weeks, the first publication to be not less than fourteen (14) days before the day of the hearing, or if no such local newspaper exists then in accordance with the provisions of MGL c. 4, §6.
- (2) When a public hearing must be held under the provisions of this bylaw and the public shade tree is located on a designated Scenic Road, such hearings shall be consolidated into a single public hearing before Planning Board and the Tree Warden.
- (3) When a public hearing must be held under the provisions of this bylaw and the public shade tree is located on conservation lands managed by, or resource areas or their buffer zones under the jurisdiction of the Southborough Conservation Commission, such hearings shall be consolidated into a single public hearing before Conservation Commission and the Tree Warden.
- (4) The Tree Warden, following a public hearing per Section H, Public Hearing, (1), (2) or (3) of this bylaw, shall approve removal of a public shade tree upon a determination reached at a public hearing that at least one of the following criteria is satisfied:
  - (a) The tree is dead, diseased, terminally injured, in danger of falling, dangerously close to existing structures, causing disruption of public utility service, causing drainage or passage problems upon rights-of-way, or posing a threat to pedestrian or vehicular safety;
  - (b) The tree interferes with structures, utilities, streets, sidewalks or proposed necessary improvements for which there is no alternative;

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- (c) There is no alternative to removal of the tree.
- (5) Any person requesting the removal of a non-hazardous public shade tree is responsible for all expenses associated with such removal, including the following:
  - (a) Cost of advertising a public hearing as specified in Section H (Public Hearing) of this bylaw and MGL c. 87, §3;
  - (b) Cost of removal of tree and stump, including hauling away of all debris, and proper filling of stump hole;
  - (c) Planting of sufficient replacement trees as described below;
  - (d) Cost of police traffic details, repair of street surface and road shoulder, protection and restoration of utility structures; and
  - (e) All other costs related to the removal and replanting.

**I. APPEALS.**

- (1) Any decision of the Tree Warden under this bylaw may be appealed to the Select Board, except appeals of decisions made at consolidated hearings per Sections H, Public Hearing, (2) & (3) of this bylaw, shall be made to a court of competent jurisdiction.
- (2) Appeals to the Select Board must be in writing and must be received by the Select Board within thirty (30) calendar days of the issuance of the Tree Warden's decision, which shall be made publicly available on the Town website. The Select Board shall make a final decision within thirty (30) calendar days from the date of receipt of the appeal request and file a decision with the Town Clerk within fourteen (14) days thereafter.

**J. TREE REPLACEMENT.**

- (1) Public shade trees shall not be removed for a private purpose without the planting of two (2) public shade trees for every one (1) public shade tree removed as replacements or payment to the Tree Fund of an amount determined by the Planning Board and deemed suitable for the planting of two trees.
- (2) Replacement trees shall be purchased from a certified tree nursery professional that stocks straight native species and is approved by the Tree Warden. Such professional shall plant and ensure the health of the tree for three years.
- (3) Replacement trees shall be a straight native species deemed advisable by the Tree Warden and shall have the same or equivalent size as measured in DBH inches as that of the tree that was removed.
- (4) If a tree of equivalent size cannot be obtained or is not appropriate, the Tree Warden shall determine a suitable alternative including:
  - (a) an inch-by-inch replacement basis. Replacements shall be at least three-inch diameter. The Tree Warden may, at their option, require larger replacements. For example, if an 18" diameter tree, measured four feet above grade is to be removed, the applicant must sufficiently reimburse the Town to provide for the purchase and planting of six, three-inch diameter replacements.
  - (b) payment to the Southborough Tree Fund for the value of the tree that was removed, as determined by a certified arborist based on standards in the industry, in accordance with the Tree Warden's regulations and Section M (Enforcement) of this bylaw.

**K. EMERGENCY TREE REMOVAL.**



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- (1) Pruning or removal shall be allowed without a permit or public hearing for any public shade tree that is determined by emergency response officials to be an imminent hazard. Such officials shall complete a written record of any such determination and submit it to the Tree Warden within fourteen (14) calendar days of such determination.
- (2) The Tree Warden may waive the provisions of this bylaw as an emergency response to a hurricane, windstorm, flood or other act of nature. The Tree Warden shall complete a written record of the emergency response.
- (3) The Tree Warden may remove, without a public hearing, a tree that is determined, by the Tree Warden to be an imminent hazard to persons or property. The Tree Warden making the hazard determination shall be qualified, as defined above, by training and experience in the field of Arboriculture. The hazard determination shall be made based on an objective risk tree rating system such as the USDA Forest Service 12-point Risk Tree Rating system or the International Society of Arboriculture Hazard Tree Evaluation system. Hazard trees shall be prioritized for pruning, removal, moving of the target or otherwise minimizing the risk based on those objectively presenting the most risk.

**L. UTILITY COMPANY TREE AND VEGETATION MANAGEMENT ACTIVITIES.**

- (1) The Tree Warden shall request and the utility shall submit, per MGL c. 87, §14, an annual "Hazard Tree Removal Plan" and a "Vegetation Management Plan", as applicable (separately, and together, an "Annual Plan").
- (2) Such Annual Plan(s) shall include: a map of the circuits where maintenance will occur; and a listing and location of any public shade tree(s) expected to be removed or.
- (3) The Annual Plan(s) shall be submitted to the Tree Warden no less than 90 days prior to the date the utility company proposes to begin its work.
- (4) Any public shade tree expected to be removed will be appropriately marked by the utility company, so that the public may be made aware of the proposed work. The Tree Warden and the utility representative(s) will visit the proposed work site(s) to inspect the proposed work.
- (5) The Tree Warden shall hold a consolidated public hearing with the Planning Board to review the annual plan(s), per Section H (Public Hearing) of this bylaw.
- (6) Annual Plan(s) may be approved upon the determination at the consolidated hearing, Section L (5) above, that the plan is in compliance with the requirements of this bylaw and shall be subject to the findings of any public hearings regarding public shade trees.
- (7) The Tree Warden shall then notify the utility in writing within 60 days of receipt of the Annual Plan(s) whether or not the plan has been approved or approved with changes made as a result of a public review during a scheduled consolidated public hearing.
- (8) Approved Annual Plan(s) shall be posted on the Town website, DPW's webpage and sent to the Town Planner and the Town Administrator for distribution to their respective Boards and to the public.
- (9) No tree removal, trimming or vegetation management affecting a public shade tree shall be done by the utility company that is not part of an approved Annual Plan, or is not otherwise approved by this bylaw.
- (10) Notwithstanding the Town's approval of the Annual Plan(s), a utility shall provide at least 30 days advance written notice to the Tree Warden before beginning tree trimming or tree removal work pursuant to the Annual Plan(s).

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**M. ENFORCEMENT**

- (1) Any person who violates any provision of this bylaw or MGL c. 87, §§3-5, relating to the trimming, cutting or removal of public shade trees shall be subject to fines for each separate offense, as provided by the Tree Warden's regulations.
- (2) Each act causing damage to a separate tree shall constitute a separate offense.
- (3) Fines shall be assessed and collected under MGL c. 40, §21D process.
- (4) These remedies shall not be in derogation of the Town's right to enforce the provisions of MGL c. 242, §7, against any person who without a permit willfully cuts down, girdles or otherwise destroys a public shade tree, or the Town's right to apply or enforce any other Massachusetts law or Town bylaw.
- (5) Fines and damages paid to the Town under this bylaw, MGL c. 87, or MGL c. 242, shall be paid into the Southborough Tree Fund.

**N. SEVERABILITY**

- (1) If any part of this bylaw is for any reason declared invalid or unconstitutional by any court, every other part shall continue in full force and effect.

; and to revise the Table of Departmental Revolving Funds in the General Bylaws Article IV of Chapter 16, by adding a **Tree Fund**, meeting the criteria under §16-9 as follows:

- A. Tree Fund
- B. Planning Board
- C. Fees charged for non-refundable Public Shade Tree pruning or removal permit application fee, per inch Diameter at Breast Height (DBH); payment for Tree Replacement in lieu of planting of trees; fines and damages paid to the Town under the Tree Protection Bylaw, MGL c.87, or MGL c.242
- D. Exclusively for the purchase and planting of Public Shade Trees, and related expenses
- E. Salaries and wages of full-time employees shall be paid from the annual budget appropriation of the Planning Board
- F. N/A
- G. Fiscal year 2023 and subsequent years

; or do or act anything in relation thereto.

**Proposed by:** PLANNING BOARD

**Select Board Recommendation:** At Town Meeting (5-0-0)

**Advisory Committee Recommendation:** At Town Meeting (7-0-0)

**Summary:** *The intent of the bylaw is to put in place a process for the maintenance of Public Shade Trees, including but not limited to, trimming, cutting, planting and the removal of dangerous or damaged trees within the public right of way, and to protect the town from unnecessary tree removal and to maintain the New England character and charm of the Town of Southborough.*

**MOTION TO INDEFINITELY POSTPONE THE ARTICLE PASSED.**

**ARTICLE 28:** To see if the Town will vote, pursuant to the recommendation of the Planning Board to designate ***the following*** Town roads not currently designated as "scenic roads", other than those specifically excluded by State Statute, as "scenic roads" under provisions of the Commonwealth of Massachusetts General Laws Chapter 40, Section 15C and to instruct the Planning Board, in exercising

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responsibilities thereunder, to take into consideration sound planning principles, aesthetics, and preservation of natural resources as well as public safety, or do or act anything in relation thereto.

<u>Street</u>	<u>TM Date</u>	<u>Street</u>	<u>TM Date</u>
Adams Circle	4/8/1996	Kidder Lane	4/14/2003
Alexandra Circle	9/12/1994	Killam Farm Lane	4/9/2001
Andrews Way	9/12/1994	Ledge Hill Road	4/10/2000
Angelica Lane	4/12/2004	Liberty Drive	4/8/1996
Asaree Drive	9/12/1994	Maple Street Ext.	4/16/2014
Ashley Road	4/12/1993	Metacomet Lane	4/8/2002
Austin Kelly Lane	4/8/2002	Metcalf Lane	4/13/2015

<u>Street</u>	<u>TM Date</u>	<u>Street</u>	<u>TM Date</u>
Banfill Lane	4/12/2004	Michael Circle	2/13/1995
Barn Lane	10/7/2013	Moore Road	4/11/1994
Beechwood Lane	11/13/2000	Nathan Stone Road	5/18/1999
Blendon Woods Dr.	10/7/2013	Nipmuc Lane	10/7/2013
Boswell Lane	4/13/1998	Orchard Road	4/14/92&4/14/08
Brookside Road	4/12/2004	Powder Mill Lane	4/13/1987
Burnett Road	4/14/1997	Presidential Drive	2/13/1995
Candlewood Lane	9/11/2000	Sadie Hutt Lane	4/23/1990
Constitution Drive	4/8/1996	Sarsen Stone Way	4/8/1991
Coslin Drive (portion)	2018	Schipper Farm Lane	4/8/2002
Country Lane	4/8/1996	Skylar Drive	4/13/1987
Darlene Drive	2/13/1995	Southwood Drive	9/11/2000
Davis Road	4/12/1993	Stockwell Lane	4/10/2000
Eastbrook Farm Lane	4/8/1996	Stub Toe Lane	4/8/1996
Fiddleneck Lane	4/11/2005	Summit Road	4/13/1987

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Fitzgerald Lane	4/10/2000	Sunrise Drive	4/8/1991
Foxhill Drive	4/11/2016	Thayer Lane	4/13/2015
Garrison Lane	4/13/1987	Vale Terrace	4/9/2001
Glenwood Road	9/12/1994	Vickery Hill Lane	4/14/2008
Heather Lane	2/13/1995	Wells Lane	4/13/2010
Hidden Meadow Ln.	4/10/2000	Wentworth Drive	4/8/1996
High Ridge Road	4/14/1980	Whistler Lane	4/10/2000
Hillside Avenue Ext.	4/14/2003	Wildwood Drive	4/10/2000
Hubley Lane	4/9/2001	William Colleary Ln	4/11/2016
Independence Drive	4/8/1996	William Onthank Ln.	4/14/2008
Joslin Lane	4/11/2005	Witherbee Lane	4/11/2005
Kallander Drive	4/11/2005	Wyeth Circle	2/13/1995

**Proposed by:** PLANNING BOARD

**Select Board Recommendation:** At Town Meeting (5-0-0)

**Advisory Committee Recommendation:** At Town Meeting (7-0-0)

**Summary:** *The intent of this article is to protect the scenic quality and character of certain public ways in the Town by regulating the cutting or removal of trees and the disturbance of stone walls within the right-of-way of scenic roads.*

**MOTION MADE:** I move that the Town vote, pursuant to the recommendation of the Planning Board to designate *the following* Town roads, and those are listed in the Warrant, not currently designated as "scenic roads", other than those specifically excluded by State Statute, as "scenic roads" under the provisions of the Commonwealth of Massachusetts General Laws Chapter 40, Section 15C and to instruct the Planning Board, in exercising responsibilities thereunder, to take into consideration sound planning principles, aesthetics, preservation of natural resources as well as public safety, or do or act anything in relation thereto.

**MOTION TO INDEFINITELY POSTPONE THE ARTICLE PASSED.**

**ARTICLE 29:** To see if the Town will vote to adopt as Chapter 9, Article X of the Town bylaws, the following:  
Article X. Southborough Trails Committee

**§9.35 Purpose**

Recreational trails ("Trails") are an important asset of the Town and contribute to the quality of life of its residents.

Establishing, maintaining, enhancing, extending, and monitoring Trails requires coordination among many public and private entities.

This bylaw establishes a committee that will be responsible for the Trails in the Town, through licensing agreements or easements, as defined below in §9.36 Functions.

The duties and organization of the committee are more fully described in the remainder of this Article X.

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**§9.35.A Establishment; Membership; Quorum; Qualifications**

There shall be a Southborough Trails Committee ("Committee"), which shall consist of no more than five voting members appointed by the Select Board, and may include the non-voting members ("Associate Members") described below. Each voting member shall be a resident of the Town. A quorum for the Committee shall be a simple majority of voting members. The Select Board may, in consultation with the Committee, appoint non-voting Associate Members to assist it in performing its functions. Such Associate Members shall be residents of the Town.

**§9.35.B Appointments; Terms**

Voting members shall be appointed for two-year terms. The initial appointments shall be divided among one and two year terms, so as to establish overlapping terms. Associate members shall be appointed for one-year terms.

**§9.35.C Organization**

The members shall select, from among themselves, a Chair, Vice-Chair and a Secretary.

The Town Administrator may provide or arrange for administrative support to the Committee, including but not limited to: purchasing, assistance in obtaining resources from department heads, and access to legal services.

**§9.35.D Funding**

The Committee may be provided a budget for consultants and other expenses. It shall submit its projected expenses to the Town's regular budget process. Any expenditures from its budget shall require a majority vote of the Committee, and be subject to the Town's policies and requirements for approval of such expenditures.

**§9.36 Functions**

The duty of the Committee shall be to create, enhance, extend, monitor, and maintain Trails on public property within the Town, exclusive of land that is exclusively regulated by another board or committee in Southborough, and to work to incorporate and/or extend such Trails into regional trail networks whenever possible.

The Committee shall promote passive recreation opportunities and educate trail users about the permitted use policies that protect the watershed, reservoir, wildlife, and the environment.

The committee may be charged with responsibility for Trail monitoring and maintenance obligations under any licensing agreements or easements to which the Town is (or becomes) a party, subject to the conditions of any such license.

Subject to legal requirements, the Committee is authorized to coordinate and work with any entity, public or private, that owns or is otherwise responsible for Trails within the Town.

Subject to legal requirements as may be imposed by the Select Board, the Committee may coordinate and enlist volunteers to, under the supervision and direction of the Committee, assist it with work on the Trails, including clearing, building, mowing, monitoring and other maintenance tasks.

The Committee shall work with other public and private entities, including, but not limited to the Town's Recreation Commission, Council on Aging, and Schools, to publicize, encourage use of, and develop programs for the Trails.

The Committee may develop applications for grants and/or inter-entity agreements in furtherance of its duties, and recommend that the Select Board execute them on behalf of the Town.

From time to time the Committee shall report on status and progress to the Select Board and the Town Meeting.

; or act or do anything in relation thereto.

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**Proposed by:** SELECT BOARD

**Select Board Recommendation:** Support (3-2-0)

**Advisory Committee Recommendation:** Support (6-1-0)

**Summary:** *This article replaces the current ad-hoc Southborough Trails Committee with a standing committee. The existing committee was established in 2013 and has proven to be effective at establishing and maintaining trails. This bylaw makes it a permanent committee with clearer responsibilities and a more flexible organization.*

**MOTION MADE:** To move the article as printed in the warrant, and to allow the Town Clerk to modify town code numbering if necessary.

[Moderator Paul M. Cimino notified the hall that Assistant Town Clerk Amy Berry was sworn in as Town Clerk for this article because Town Clerk James F. Hegarty would be speaking on article 29.]

**AMENDMENT 29-I MADE:** To amend the main motion by striking the following words/phrases in § 9.35 A:

1. Strike the word **Quorum** from the title so it will read: **‘Establishment; Membership; Qualifications’**
2. In line 1, strike the words: **‘no more than’** so the phrase will read: **‘which shall consist of 5 voting members’**
3. In line 3, **strike the entire sentence: ‘A quorum for the Committee shall be a simple majority of voting members.’**
4. In line 3, strike **‘Each voting member shall be a resident of the town’**

**AMENDMENT 29-I: PASSED.**

**AMENDMENT 29-II MADE:** I move to amend the main motion by striking all references to Associate Members:

- 1) In § 9.35 A:
  - A. Strike **‘, and may include the non-voting members (‘Associate Members’) described below.’**
  - B. Strike **‘The Select Board may, in consultation with the Committee, appoint non-voting Associate Members to assist it in performing its functions. Such Associate Members shall be residents of the Town.’**

**AMENDMENT 29-II PASSED BY COUNTED VOTE YEA – 72 NAY – 56.**

**MOTION TO INDEFINITELY POSTPONE THE ARTICLE FAILED.**

**MOTION AS AMENDED PASSED.**

***Approved by the Attorney General on August 26, 2022.***

**ARTICLE 30:** To see if the Town will vote to amend its general bylaws by inserting a new provision in Part 1, Chapter 43 thereof, as follows:

**§ 43-1.** This Article shall apply to any multi-member board that qualifies as a “Public Body” under the provisions of M.G.L. c. 30A, s. 18.

**§ 43-2.** If a Public Body has been explicitly granted authority by a statute or town bylaw to promulgate rules or regulations with which the public must comply (“Regulations”), prior to promulgating or amending such Regulations, it shall hold a public hearing with respect thereto. The Town Clerk shall be provided

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and post on the Town's website a suitable Notice of such public hearing at least seven (7) days prior to the date of the hearing. The Notice shall include a copy of the proposed Regulations, or a summary providing at least the subject of the proposed Regulations and nature of any change. In the latter case, a copy of the complete proposed Regulations shall be available for public inspection on the Town website and at the Town Clerk's office. The Notice may be combined with the posted agenda for a public meeting, provided that it meets all requirements of this section § 43-2.

**§ 43-2.1** If changes to the proposed Regulations are adopted following the Notice, prior to and including during the hearing, a subsequent hearing on the revised Regulations is not required, provided that the Regulations may not take effect until seven (7) days after the hearing is closed.

**§ 43-2.2** A Regulation shall not take effect until it has been approved in a public meeting by a vote of the Public Body, and its final form is posted on the Town's website and available for public inspection in the Town Clerk's office.

**§ 43-2.3** In an emergency involving the public health, safety, or welfare, a Public Body may promulgate temporary Regulations with less than seven (7) days prior notice and enforce them with immediate effect, but before they may become permanent a hearing to consider the Regulations must be noticed and held as specified in section § 43-2. Such hearing shall be scheduled as soon as practicable after temporary Regulations are promulgated. Temporary Regulations shall expire no later than thirty (30) days from issuance unless made permanent.

**§ 43-2.4** To the extent that any statute permits a Public Body to promulgate Regulations with less public notice than specified herein, such Public Body is strongly encouraged to voluntarily comply with this bylaw.

**§ 43-3.** If a Public Body provides public notice of another hearing to be held by said body, it may combine Notice hereunder with said hearing's notice, provided that the combined notice meets all requirements of both notices.

; or do or act anything in relation thereto.

**Proposed by:** SELECT BOARD

**Select Board Recommendation:** Support (5-0-0)

**Advisory Committee Recommendation:** Support (7-0-0)

**Summary:** *This article would establish basic requirements for Town boards and committees to hold a public hearing, with notice and an opportunity for public comment, before adopting rules and regulations, and to ensure those rules and regulations are filed with the Town Clerk after adoption.*

**PASSED – CONSENT LIST.**

***Approved by the Attorney General on August 26, 2022.***

**ARTICLE 31:** To see if the Town will vote to adopt as Chapter 9, Article XI § 9-30 through § 9-33 of the Town bylaws, the following:

Capital Improvement and Planning Committee

**§ 9-30 Purpose.**

As more fully described in the remainder of this Article IX, this article establishes a committee that will be responsible for creating and maintaining a rolling ten-year Capital Plan across all government entities and will ensure consistent interpretation and execution of that plan. The Committee will work in collaboration with the various government entities that propose capital expenditures. It will report on the plan to the Town Meeting and advise Town Meeting on proposed capital expenditures.

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**§ 9-30.1 Establishment; membership; qualifications.**

- A. There shall be a Capital Improvement and Planning Committee ("CIPC"), which shall consist of seven voting members and the two nonvoting ex-officio members identified below.
- B. Each voting member shall be a resident of the Town.
- C. The voting members shall be appointed by the Select Board.
- D. At no time should any elected or appointed board, committee, or commission, have more than one representative that also is appointed to CIPC.
- E. The Town Administrator and Finance Director shall be appointed as ex-officio members and may be non-resident Town employees. The Town Administrator or Finance Director, after collaboration with the Select Board as appointing authority, may recommend that another member of the town's finance team (treasurer, assessor, or accounting departments) serve as ex-officio in their place.

**§ 9-30.2 Appointments; terms; vacancies; removal.**

- A. Voting members shall be appointed for three-year terms. The initial appointments shall be three members for three years, two members for two years, and two members for one year, so as to establish overlapping terms. For subsequent appointments, the appointing authority shall request that the CIPC review the qualifications of prospective appointees, but the final determination of who is selected shall rest with the appointing authority.

**§ 9-30.3 Organization; meetings.**

- A. The members shall select, from among themselves, a Chair, Vice Chair and a Clerk.
- B. The CIPC may appoint from its own membership subcommittees and delegate to them such of its powers as it deems expedient.
- C. All reports and recommendations of the CIPC made to the Town shall be voted by a majority of the voting members of the CIPC, but this shall not be construed to prevent recommendations by a minority nor to discourage full participation by the nonvoting members.

**§ 9-30.4 Funding.**

- A. The CIPC shall have a budget or warrant article for consultants and other expenses. It shall submit its projected expenses to the Town's regular budget process. Any expenditures from its budget shall require a majority vote of the CIPC, and be subject to the Town's policies for such expenditures.

**§ 9-31 Functions and definitions.**

- A. Work with Town Finance Team to maintain town's 10-year capital plan. This will be achieved by regular meetings and discussions with Town Departments, Boards, and Committees that will put forward requests for Capital Funding as part of an Annual or Special Town Meeting. While this Committee will have no oversight of the annual operating budget, they need to be aware and receive regular updates of the operating budgets and other revolving or enterprise funds to ensure that capital needs are considered in an appropriate order and timing.
- B. The CIPC shall follow any capital or other financial policies adopted by the town and provide regular feedback for any potential improvements or enhancements to these policies.

**§ 9-32 Project Oversight.**

- A. In the absence of a formal building committee for a specific item contained in a capital article, CIPC will have at least one member selected to formally collaborate with the project sponsor and regularly report on progress. Concerns about project status, budget, or overall management will be brought back to the full CIPC for formal discussion and proposed action.



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B. If any elected board decides to have a separate Building Committee for any specific project, then at least one member but not more than two members of the CIPC shall be appointed.

**§ 9-33 Reports**

A. Prior to any annual or special town meeting, CIPC shall provide a recommendation on any capital article to appear on the warrant. This recommendation should be communicated to both the Select Board and Advisory Committee.

; or do or act anything in relation thereto.

**Proposed by:** SELECT BOARD

**Select Board Recommendation:** Support (5-0-0)

**Advisory Committee Recommendation:** Support (7-0-0)

**Summary:** *The current Capital Planning Committee was formed by the Select Board in March of 2020. Since that date, they have functioned as an ad-hoc committee. Given the various initiatives, tasks, and responsibilities they have undertaken working with many town board, committees, and commissions, this article will codify into Town Code the committee makeup and responsibilities.*

**MOTION MADE:** To move the article as printed in the warrant, and to allow the Town Clerk to modify town code numbering if necessary.

**MOTION PASSED BY MAJORITY VOTE.**

***Approved by the Attorney General on August 26, 2022.***

**ARTICLE 32:** To see if the Town will vote to Prevent the Use of Public Funds & Easements to Improve Private Property without Prior Town Meeting Approval.

Whereas the taxpayers of Southborough are facing unprecedented property tax increases to fund basic government services; and whereas the Town owns a number of parcels that could greatly benefit from the expenditure of public funds for improvements, the voters of Southborough wish to inform the Select Board that they are adamantly opposed to the expenditure of public funds, whether derived from Town, State or Federal sources, to make improvements of any kind to privately owned property without first presenting the proposed expenditures at Town Meeting and receiving the voters' approval before physical work on the improvements begins.

Further, the voters of Southborough wish to remind the Select Board that it is not within their right to grant easements involving Town Land to any person or entity without first receiving approval at Town Meeting, and that the ratepayers of Southborough will not vote to support the granting of such easements presented to them ex post facto. Nor will they support the use of "interim licensing agreements" to bypass this provision. All projects (other than routine utility and sewer) that necessitate the granting of easements must be presented at Town Meeting and receive the appropriation of the voters before the start of any project.

; or do or act anything in relation thereto.

**Proposed by:** MICHAEL WEISHAN, et al.

**Select Board Recommendation:** At Town Meeting (5-0-0)

**Advisory Committee Recommendation:** At Town Meeting (7-0-0)

**Summary:** *This non-binding article would instruct the Board of Selectmen that the voters of Southborough do not support the use of "interim licensing agreements," which abrogate the rights of voters to weigh in on projects before they are undertaken.*

**MOTION MADE:** I move the article as printed in the warrant.

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**MOTION PASSED.**

**ARTICLE 33:** To see if Town Meeting will vote to create a new Chapter 175 in the Town Code “Accounting of Funding and Expenditures for Roads and Road Maintenance” as follows:

“Accounting of Funding and Expenditures for Roads and Road Maintenance”

1: The Department of Public Works shall provide a report to the Advisory Committee and the Advisory Committee will provide their analysis, review and opinion to the Hall at the annual Town Meeting. This report shall provide a complete breakdown and itemization, by project and date, for money spent by the DPW during the previous calendar year, funded by Town budget, MassDOT Chapter 90, or any other revenue source.

; or do or act anything in relation thereto.

**Proposed by:** PATRICIA BURNS FIORE, et al.

**Select Board Recommendation:** At Town Meeting (5-0-0)

**Advisory Committee Recommendation:** At Town Meeting (7-0-0)

**Summary:** *This citizen’s petition seeks to establish accountability and transparency within the Department of Public Works which is not currently in place.*

**MOTION TO INDEFINITELY POSTPONE THE ARTICLE PASSED.**

**ARTICLE 34:** To see if Town Meeting will vote to create a new Article X in the Town Code Chapter 9 Committees entitled “Southborough PILOT Committee.”

WHEREAS despite repeated requests to the Select Board and voter approval of Article 35 on the 2019 Southborough Town Warrant, the Select Board has achieved only meager financial contributions from any of the major non-profits in Town. These entities continue to expand at an alarming rate, both by construction/renovation of buildings and the purchase of residential real estate, removing properties from the tax rolls and thus, increasing residents’ tax burden to support said properties. In addition to decreasing Town tax revenues by acquisitions, these entities are without obligation to pay taxes to support town services and on-going town expenses—that share of the costs is also levied upon the tax-paying citizens of Southborough—and the taxpayers of Southborough desire a more equitable contribution from these large non-profit entities and intend to pursue research and negotiations to that end.

Article X, Chapter 9 Committees “Southborough PILOT Committee will read as follows:

#1 The Southborough PILOT Committee charge is:

- Research and examine how other towns in Massachusetts approach their local large non-profit entities in regard to financial support from those non-profit entities to pay for the tax-payer funded town services they use, and examine any formal or informal agreements such towns may have;
- Compare the funding received from non-profits throughout the state of Massachusetts to their local communities with the funding received from non-profits within Southborough;
- Examine state code regarding requirements for, and benefits of, non-profit status within Massachusetts;
- Engage in discussions with non-profit entities owning real property in Southborough valued in toto more than six million dollars, with the objective of establishing formal agreements through which these entities contribute reasonable annual PILOT (Payment in Lieu of Taxes) amounts to

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cover the Town's cost of providing services for them, for their staff/employees, for their students, and for others associated with their activities in the Town.

- #2 No later than forty-five (45) days after the Attorney General's approval of this article, the Select Board will appoint members of this committee, consisting of seven (7) voting members, as follows:
- Three (3) members representing the tax-payers of Southborough, without any financial relationship with St. Mark's, Fay School or New England Center for Children;
  - One (1) member of the Historic Commission, selected by the Historic Commission;
  - One (1) member of the Capital Planning Committee, selected by the Capital Planning Committee;
  - One (1) member of the Advisory Committee, selected by the Advisory Committee;
  - One (1) member of the Council on Aging, selected by the Council on Aging;
  - Specifically EXCLUDING ANY member of the Select Board;
  - Specifically EXCLUDING ANY ex officio members.
- #3 If that if the Select Board is not able, or chooses not, to properly establish such a committee within 45 days of the Attorney General's approval of this article, another elected Town Official or elected Town Board may accept responsibility for, and organize, such Standing Committee.

, or do or act anything in relation thereto.

**Proposed by:** PATRICIA BURNS FIORE, et al.

**Select Board Recommendation:** At Town Meeting (5-0-0)

**Advisory Committee Recommendation:** At Town Meeting (7-0-0)

**Summary:** *The large non-profits in Southborough continue to expand both by construction/renovation of buildings and the purchase of residential real estate, without obligation to pay taxes to support town services and on-going town expenses. Their share of the costs is levied upon the tax-paying citizens of Southborough. This article seeks to establish a standing committee to research, examine options and negotiate with the non-profits so they will, on an annual basis, pay an equitable "fair share" of the cost for town services they use.*

**MOTION MADE:** I move the article as printed in the warrant.

**AMENDMENT 34-I** – I move to amend the main motion by striking the words 'Specifically excluding any member of the 'Select Board'.' [Section 2.]

I move to amend the main motion by adding the following: 'Select Board selected by the Select Board' after the words 'One member of the [Advisory Board]' [Section 2.]

**AMENDMENT 34-I PASSED.**

**MOTION AS AMENDED PASSED.**

**The Article was approved by the Attorney General on 11/23/22, with two sections disapproved and deleted:**

Article X, Chapter 9 Committees "Southborough PILOT Committee will read as follows:

- #1 The Southborough PILOT Committee charge is:
- Research and examine how other towns in Massachusetts approach their local large non-profit entities in regard to financial support from those non-profit entities to pay for the tax-payer

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funded town services they use, and examine any formal or informal agreements such towns may have;

- Compare the funding received from non-profits throughout the state of Massachusetts to their local communities with the funding received from non-profits within Southborough;
- Examine state code regarding requirements for, and benefits of, non-profit status within Massachusetts;
- ~~Engage in discussions with non-profit entities owning real property in Southborough valued in toto more than six million dollars, with the objective of establishing formal agreements through which these entities contribute reasonable annual PILOT (Payment in Lieu of Taxes) amounts to cover the Town's cost of providing services for them, for their staff/employees, for their students, and for others associated with their activities in the Town.~~

**This section was disapproved by the Attorney General on 11/23/22.**

#2 No later than forty-five (45) days after the Attorney General's approval of this article, the Select Board will appoint members of this committee, consisting of seven (7) voting members, as follows:

- Three (3) members representing the tax-payers of Southborough, without any financial relationship with St. Mark's, Fay School or New England Center for Children;
- One (1) member of the Historic Commission, selected by the Historic Commission;
- One (1) member of the Capital Planning Committee, selected by the Capital Planning Committee;
- One (1) member of the Select Board, selected by the Select Board.
- One (1) member of the Council on Aging, selected by the Council on Aging;
- Specifically EXCLUDING ANY ex officio members.

~~#3 If that if the Select Board is not able, or chooses not, to properly establish such a committee within 45 days of the Attorney General's approval of this article, another elected Town Official or elected Town Board may accept responsibility for, and organize, such Standing Committee.~~

**This section was disapproved by the Attorney General on 11/23/22.**

***Approved by the Attorney General on November 23, 2022 with two sections disapproved – identified by strikethrough.***

**AT 11:00 PM Moderator Paul M. Cimino, received consent from the hall to continue the meeting.**

**ARTICLE 35:** To see if Town Meeting will vote to create a new Chapter 43-3 in the Town Code entitled "Recall of Elective Officers"

**Section 1: Holders of office may be recalled.**

Any holder of an elective office may be recalled, and removed therefrom by the qualified voters of the Town as herein provided.

**Section 2: Recall; petition; preparation; filing.**

Any qualified voter of the Town may file with the Town Clerk an affidavit containing the name of the officer sought to be recalled and a statement of the grounds of recall. The Town Clerk shall thereupon

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deliver to the voter making such affidavit a sufficient number of copies of petition blanks demanding such recall, printed forms of which they shall keep on hand. The blanks shall be issued by the Town Clerk with their signature and official seal attached thereto; they shall be dated and addressed to the Select Board, shall contain the name of the person to whom issued, the number of blanks so issued, the name of the person sought to be recalled, the grounds of recall as stated in said affidavit, and shall demand the election of a successor to such office. A copy of the petition shall be entered in a record book to be kept in the office of the Town Clerk. The recall petition shall be returned and filed with the Town Clerk within twenty days after the filing of the affidavit. Said petition before being returned and filed shall be signed by five percent of registered voters, and to every signature shall be added the place of residence of the signer, giving street and number. The recall petition shall be submitted by the Town Clerk at or before 5:00 o'clock in the afternoon of the day following the day on which it must be filed to the Registrars of Voters in the Town, and the Registrars shall forthwith certify thereon the number of signatures which are names of voters of the Town.

**Section 3: Resignation of officer; election as to recall.**

If the petition shall be found and certified by the Town Clerk to be sufficient, they shall submit it with their certificate to the Select Board without delay. The Select Board shall forthwith give "written notice to said officer of the receipt of said certificate and, if the officer sought to be removed does not resign within five days, shall order an election to be held on a Tuesday fixed by them not less than twenty-five days after the date of the Town Clerk's certificate that a sufficient petition is filed. If any other Town election is to occur within sixty days after the date of said certificate the Select Board may, at their discretion, postpone the holding of the recall election to the date of such other election. If a vacancy occurs in said office after a recall election has been so ordered, the election shall nevertheless proceed as in this section provided.

**Section 4: Officer being recalled may be candidate.**

Any officer sought to be recalled may be a candidate to succeed themselves, and unless they request otherwise in writing, the Town Clerk, shall place their name on the official ballot without nomination. The nomination of other candidates, the publication of the warrant for the recall election. and the conduct of the same shall be in accordance with the provisions of law relating to elections, unless otherwise provided in the Town Code.

**Section 5: Incumbent to continue duties until recalled.**

The incumbent shall continue to perform the duties of their office until the recall election. If then re-elected, they shall continue in office for the remainder of their unexpired term, subject to recall as before, except as provided in §7. If not re- elected in the recall election, they shall be deemed removed upon the qualification of their successor, who shall hold office during the unexpired term. If the successor fails to qualify within five days after receiving notification of their election, the incumbent shall thereupon be deemed removed and the office vacant.

**Section 6: Form of ballots for recall.**

Ballots used in a recall election shall submit the following propositions in the order indicated:

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For the recall of (name of officer). Against

The recall of (name of officer).

Under the proposition shall appear the work "Candidates" and the direction "Vote for one" beneath this the names candidate(s) receiving the greatest number of votes shall be deemed elected.

**Section 7: Limitations on petitions.**

No recall petition shall be filed against an officer within three months after they take office, nor, in the case of an office subjected to a recall election and not removed thereby, until at least three months after that election.

**Section 8: Prohibition against appointment of recalled officer**

No person who has been recalled from an office or who has resigned from office while recall proceedings were pending against them shall be appointed to any Town office within five years after such removal by recall or resignation.

, or do or act anything in relation thereto.

**Proposed by:** MICHAEL WEISHAN, et al.

**Select Board Recommendation:** At Town Meeting (5-0-0)

**Advisory Committee Recommendation:** At Town Meeting (7-0-0)

**Summary:** *This article would create a method to recall and remove elected Town Officers, a right which voters in Southborough currently lack.*

**MOTION MADE:** To move Article 35 for consideration to see if the Town Meeting will vote to create a new Chapter 43-3 in the Town Code Entitled recall of elected officers.

**MOTION TO INDEFINITELY POSTPONE THE ARTICLE PASSED.**

**AT 11:30 PM ON MAY 5, 2022, A MOTION TO DISSOLVE THE ANNUAL TOWN MEETING PASSED.**

**True Copy**

**Attest:**

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**James F. Hegarty, Town Clerk**



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At the Special Town Meeting duly called and held in the P. Brent Trottier Middle School, 49 Parkerville Road Southborough, Massachusetts, on Thursday October 13, 2022, at 7:00PM, the following ARTICLES were voted on in a legal manner. There was a quorum present (100 Voters = quorum); 162 voters were present.

Town Moderator, Paul M. Cimino, called the meeting to order at 7:15PM.

**MOTION TO WAIVE THE READING OF THE WARRANT PASSED.**

**ARTICLE 1:** To see if the Town will vote to amend Chapter 153, entitled Trees, of the Town bylaws by adding § 153-5, **Tree Protection Bylaw**, as follows:

**§ 153-5. TREE PROTECTION BYLAW**

**A. PURPOSE.**

- (1) The Town of Southborough (“Town”) is a designated Tree City. The residents of the Town recognize that the preservation of existing trees and the promotion of new tree planting is a public purpose that protects the public health, welfare, environment, and aesthetics of the Town and its citizens. Trees serve a wide variety of functions, which promote the health, safety, and welfare of residents. These functions include:
  - (a) Conserving energy, by providing shade and evaporative cooling through transpiration;
  - (b) Improving local and global air quality by absorbing carbon dioxide and ozone, absorbing particulate matter, and producing oxygen;
  - (c) Reducing wind speed and directing air flow;
  - (d) Reducing noise pollution;
  - (e) Preserving ecosystems by providing habitat for birds, small mammals, insects and other wildlife;
  - (f) Filtering and screening, glare on roadways and increasing pavement life;
  - (g) Reducing storm runoff and the potential for soil erosion;
  - (h) Increasing real property values; and
  - (i) Enhancing visual and aesthetic qualities that attract visitors and businesses.
- (2) The purpose of this bylaw is to preserve and protect the Town’s public shade trees in accordance with the provisions of Massachusetts General Law (MGL) Chapter 87 and Chapter 40, Section 15C. It is also intended to encourage the planting of more public shade trees than are removed to compensate for tree losses and the length of time required for a tree to reach maturity.

**B. DEFINITIONS.**

**DBH (Diameter at Breast Height)** is the diameter of the trunk of a tree 4 ½ feet above the average existing grade at the base of the tree.

**Drip line** means a vertical line running through the outermost portion of the crown (i.e., the outer branch tips) of a tree and extending to the ground.

**Excessive pruning** means the removal of more than one-third of the tree canopy or cutting back the limbs to a point that prevents the natural growth of the tree.

**Imminent hazard** means the existence of a condition that presents a substantial likelihood that death, serious illness, severe personal injury, or a substantial endangerment to health, property, or the environment is likely to occur before a notice and hearing to abate the risk of harm can be completed.



**Public shade tree** is: (a) any tree within or on the boundaries of a public right-of-way, including scenic roads, except for a state highway; or (b) a tree that is not within or on the boundaries of a public right-of-way, but planted by the Tree Warden Designee upon adjoining land at a distance not exceeding 20 feet from the layout of such public way with the written consent of the owner of such adjoining land all in accordance with the provisions of MGL c. 87, §7.

If the highway boundaries are unclear because the boundaries between public and private land cannot be made certain by land records or monuments, the tree is presumed to be a public shade tree according to MGL c. 87, §1.

**Public right of way** is the portion of land controlled or owned by the Town within which an accepted public street or road lies. Typically, the public right-of-way is wider than the road surface and often includes curbs, sidewalks, utilities, public shade trees and grass strips.

**Topping** means the severe cutting back of limbs to stubs within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

**Tree City** the Tree City USA program was founded in 1976 to celebrate towns and cities committed to growing their urban canopy. Led by the Arbor Day Foundation, with partners at USDA Forest Service and National Association of State Foresters, it provides the foundational framework necessary for communities to manage and expand their tree cover.

**Tree removal** means the cutting down of any public shade tree and/or any other act that will likely cause such a tree to die within a three-year period, including but not limited to improper or excessive pruning and construction, demolition, and excavation activities.

**Utility** shall mean a company engaging in the distribution of electricity or owning, operating or controlling distribution facilities; provided, however, that a distribution company shall not include any entity which owns or operates plant or equipment used to produce electricity, steam and chilled water, or an affiliate engaged solely in the provision of such electricity, steam and chilled water, where the electricity produced by such entity or its affiliate is primarily for the benefit of hospitals and nonprofit educational institutions, and where such plant or equipment was in operation before January 1, 1986.

### C. TREE WARDEN AND TREE WARDEN DESIGNEE.

- (1) The Tree Warden shall be the Select Board having primary enforcement responsibilities under this chapter and MGL c.87. The Tree Warden and Tree Warden Designee are called upon to balance the needs between protection of public trees and protection of the public from hazardous or obstructive trees. The Tree Warden (Select Board) shall have the right to review the conduct, acts and decisions of the Tree Warden Designee.
- (2) The Tree Warden Designee shall be appointed by the Tree Warden (Select Board) and pursuant to MGL c.41 §106, hold at least an Associate of Science Degree in Arboriculture / Urban Forestry or a related degree or demonstrated equivalent knowledge and experience; and although not required it is preferred that the Tree Warden Designee also hold a current arborist certification from either the Massachusetts Arborist Association or the International Association of Arboriculture; and have at least three (3) years supervisory experience in commercial or municipal tree care; and shall obtain a Massachusetts Pesticide License within 90 days of employment.
- (3) The Tree Warden (Select Board) may appoint a Deputy to the Tree Warden Designee to perform the roles and responsibilities of the Tree Warden Designee during vacation, sick time, and any paid or unpaid leave of absence. The deputy must have substantial experience and qualifications and shall comply with all rules and obligations of this bylaw.
- (4) The duties or responsibilities of the Tree Warden Designee shall conform to the MGL c. 87 and shall include, but not be limited to the following:
  - (a) Planting new public shade trees;
  - (b) Pruning of public shade trees for safety and health;

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- (c) Removal of public shade trees that are dead and dying;
- (d) Maintaining a Public Shade Tree Inventory and Public Shade Tree Management Plan;
- (e) Assessment of public shade trees for potential hazard;
- (f) Oversight of utility arboriculture operations and of all contracted tree work on public shade trees;
- (g) Submit trees for Public Tree Hearings;
- (h) Enforcement of the provisions of this bylaw, MGL c. 87 and c. 40, §15C;
- (i) Care, control and management of all trees within public rights-of-way, adjacent to public buildings on public land, and on public commons;
- (j) Expenditure of funds for public shade tree planting and maintenance consistent with this bylaw and MGL c.87;
- (k) Coordination with the Tree Warden (Select Board), Planning Board; Conservation Commission; Recreation Commission; and interested citizen groups on matters related to urban forestry and public tree management;
- (l) Promulgate regulations outlining the care and preservation of public shade trees and the establishment of fees and fines; all such regulations, fees, and fines subject to approval by the Tree Warden (Select Board) and Planning Board;
- (m) Maintain a list of all town roads designated as Scenic Roads; and
- (n) Other responsibilities consistent with this bylaw and Massachusetts General Laws.

**D. JURISDICTION.**

- (1) This bylaw applies to all public shade trees in the Town. The Tree Warden (Select Board) and Tree Warden Designee in conjunction with the Planning Board shall have jurisdiction over all trees to which this bylaw applies as set forth in MGL. c. 87 and c. 40, §15C.
- (2) This bylaw applies to all persons, agencies, departments, firms (including utility companies) and applicants either residing or conducting activities in the Town of Southborough.
- (3) If any public shade tree may be impacted by construction, demolition or excavation activities under the jurisdiction of the Town's Building Department, Planning Board, Zoning Board of Appeals, or other Town Department or Board: (1) the owner or applicant of the affected property and any person engaging in such activities shall be required to comply with the provisions of this bylaw; and (2) the owner or applicant shall notify the Tree Warden Designee of such activities.
- (4) A public shade tree may not be trimmed, pruned or removed by any person other than the Tree Warden Designee until and unless, after a public hearing if required or consultation with the Tree Warden and either the Town Planner or Planning Board, the Tree Warden Designee issues a written permit pursuant to this bylaw.
- (5) A permit from the Tree Warden Designee shall also be required of any person for: (1) planting a public shade tree, (2) engaging in construction or demolition activities within the drip line of a public shade tree and (3) engaging in excavation activities that may disturb a public shade tree, including but not limited to the installation of utility lines.
- (6) The Tree Warden Designee shall issue standards for planting public shade trees for which a permit is required under this chapter. Such standards shall include: (1) listing of trees acceptable for planting, (2) site selection, (3) priorities for tree planting locations, (4) spacing of street trees, and (5) planting guidelines.

**E. PLANTING NEW TREES WITHIN THE PUBLIC RIGHT OF WAY.**

- (1) Any property owner may petition the Tree Warden Designee to plant a tree within a public right of way. It is understood that some rights of way are not suitable for the planting of trees and that some species of trees are not suitable for public rights of way. For this reason, it is understood that the permit is discretionary on the part of the Tree Warden Designee and is not to be construed as a right.
- (2) The Tree Warden Designee may grant a petitioner permission for planting one or more trees within a public right of way, subject to the following:
  - (a) All work in a public right of way shall be conducted to the specifications of the Tree Warden Designee.
  - (b) All costs incurred in the course of planting the tree(s), including related work, regardless of contractor, shall be the responsibility of the petitioner.
  - (c) The petitioner shall work with the Tree Warden Designee to select an appropriate native species tree and location that will not interfere with buried or above ground utilities and will minimize root damage to streets and sidewalks.
  - (d) The petitioner shall execute a release in favor of the Town.

**F. PROHIBITED ACTIVITIES.**

- (1) It shall be unlawful for any person, firm, or town department to engage in any of the following activities relating to public shade trees:
  - (a) topping;
  - (b) excessive pruning;
  - (c) girdling tree trunks;
  - (d) cutting or poisoning tree roots;
  - (e) causing any other kind of injury;
  - (f) pollarding the top and branches of a tree;
  - (g) tree stapling, cutting, painting, marking, hanging any public messages on trees or tree trunks without a permit;
  - (h) tree removal without a permit.

**G. PROCESS TO REQUEST PUBLIC SHADE TREE PRUNING OR REMOVAL.**

- (1) Requests for Public Shade Tree pruning or removal must be made to the Tree Warden Designee.
- (2) The Tree Warden Designee shall log the requests including all information per the Tree Warden's regulations.
- (3) The Tree Warden Designee shall, and the Tree Warden, Planning Board and interested parties, may inspect the tree before the hearing. The Tree Warden Designee shall determine during the site visit if the public shade tree, that is subject to the removal or pruning request, meets one of the criteria per H (4) of this bylaw.
- (4) Public shade tree pruning or removal requests for public shade trees, where it has been determined either by the Tree Warden Designee during a site visit or at a public hearing, that the criteria per H

(4) of this bylaw has not been met, the requestor shall pay a non-refundable per inch DBH fee, per the Tree Warden Designee's regulations and shall be subject to the requirements of H (5) of this bylaw.

## **H. PUBLIC HEARING.**

- (1) Except as provided in Section K (Emergency Tree Removal) of this bylaw, the Tree Warden Designee shall not remove any public shade tree with a DBH greater than 1.5 inches or grant a permit for the tree removal for a public shade tree without first conducting a public hearing. Where a public hearing is required, the Tree Warden Designee shall, in accordance with the provisions of MGL c. 87, §3, issue a notice of the time and place of the hearing, which notice shall identify the size, type and location of each tree to be cut down or removed. The Tree Warden Designee shall also post the notice three or more public places in Southborough, including under Hearing Notices on the Town's website, under Tree Hearings on the DPW webpage, at the Town House and in public view upon the tree at least fourteen (14) days before such hearing and publish it in a newspaper of general circulation in Southborough once in each of two successive weeks, the first publication to be not less than fourteen (14) days before the day of the hearing, or if no such local newspaper exists then in accordance with the provisions of MGL c. 4, §6.
- (2) When a public hearing must be held under the provisions of this bylaw and the public shade tree is located on a designated Scenic Road, such hearings shall be consolidated into a single public hearing before Planning Board and the Tree Warden (Select Board).
- (3) When a public hearing must be held under the provisions of this bylaw and the public shade tree is located on conservation lands managed by, or resource areas or their buffer zones under the jurisdiction of the Southborough Conservation Commission, such hearings shall be consolidated into a single public hearing before Conservation Commission and the Tree Warden (Select Board).
- (4) The Tree Warden Designee following a public hearing per Section H, Public Hearing, (1), (2) or (3) of this bylaw, shall approve removal of a public shade tree upon a determination reached at a public hearing that at least one of the following criteria is satisfied:
  - (a) The tree is dead, diseased, terminally injured, in danger of falling, dangerously close to existing structures, causing disruption of public utility service, causing drainage or passage problems upon rights-of-way, or posing a threat to pedestrian or vehicular safety;
  - (b) The tree interferes with structures, utilities, streets, sidewalks or proposed necessary improvements for which there is no alternative;
  - (c) There is no alternative to removal of the tree.
- (5) Any person requesting the removal of a public shade tree that does not meet the criteria in H (4) above must demonstrate, at a public hearing, that the removal and replacement of a tree will be of greater benefit to the inhabitants of the Town of Southborough, pay a fee per G. (4) of this bylaw and is responsible for all expenses associated with the public hearing and removal, if approved, including the following:
  - (a) Cost of advertising a public hearing as specified in Section H (Public Hearing) of this bylaw and MGL c. 87, §3;
  - (b) Cost of removal of tree and stump, including hauling away of all debris, and proper filling of stump hole;
  - (c) Planting of sufficient replacement trees as described below;
  - (d) Cost of police traffic details, repair of street surface and road shoulder, protection and restoration of utility structures; and

- (e) All other costs related to the removal and replanting.

**I. APPEALS.**

- (1) Any decision of the Tree Warden Designee under this bylaw may be appealed to the Select Board, except appeals of decisions made at consolidated hearings per Sections H, Public Hearing, (2) & (3) of this bylaw, or decisions made by the Tree Warden (Select Board) shall be made to a court of competent jurisdiction.
- (2) Appeals to the Select Board must be in writing and must be received by the Select Board within thirty (30) calendar days of the issuance of the Tree Warden Designee's decision, which shall be made publicly available on the Town website. The Select Board shall make a final decision within thirty (30) calendar days from the date of receipt of the appeal request and file a decision with the Town Clerk within fourteen (14) days thereafter.

**J. TREE REPLACEMENT.**

- (1) Public shade trees approved for removal by the Tree Warden (Select Board) at a consolidated hearing shall be replaced with one public shade tree for each public shade tree approved for removal.
- (2) Public shade trees shall not be removed if they do not meet the criteria outlined in H (4) of this bylaw without the planting of two (2) public shade trees for every one (1) public shade tree removed as replacements.
- (3) The replacement tree(s) shall be purchased from a certified tree nursery professional that stocks straight native species and is approved by the Tree Warden Designee. Such professional shall plant and ensure the health of the tree for three years.
- (4) The replacement tree(s) shall be a straight native species deemed advisable by the Tree Warden Designee and shall have the same or equivalent size as measured in DBH inches as that of the tree that was removed.
- (5) If a tree of equivalent size cannot be obtained or is not appropriate, the Tree Warden (Select Board) and the Planning Board shall determine a suitable alternative which may include:
  - (a) an inch-by-inch replacement basis. Replacements shall be at least three-inch diameter. For example, if an 18" diameter tree, measured four feet above grade is to be removed, the applicant must sufficiently reimburse the Town to provide for the purchase and planting of six, three-inch diameter replacements.
  - (b) payment to the Town of Southborough for the value of the tree that was removed, as determined by a certified arborist based on standards in the industry, in accordance with the Tree Warden Designee's regulations and Section M (Enforcement) of this bylaw.

**K. EMERGENCY TREE REMOVAL.**

- (1) Pruning or removal shall be allowed without a permit or public hearing for any public shade tree that is determined by emergency response officials, including utilities and their agents, to be an imminent hazard. Such officials shall complete a written record of any such determination and submit it to the Tree Warden Designee within fourteen (14) calendar days of such determination.
- (2) The Tree Warden Designee may waive the provisions of this bylaw as an emergency response to a hurricane, windstorm, flood or other act of nature. The Tree Warden Designee shall complete a written record of the emergency response and submit it to the Tree Warden and the Planning Board.

- (3) The Tree Warden Designee may remove, without a public hearing, a tree that is determined, by the Tree Warden Designee, in consultation with the Town Administrator and the Town Planner, to be an imminent hazard to persons or property. The Tree Warden Designee making the hazard determination shall be qualified, as defined above, by training and experience in the field of Arboriculture. The hazard determination shall be made based on an objective risk tree rating system such as the USDA Forest Service 12-point Risk Tree Rating system or the International Society of Arboriculture Hazard Tree Evaluation system. Hazard trees shall be prioritized for pruning, removal, moving of the target or otherwise minimizing the risk based on those objectively presenting the most risk.

#### **L. UTILITY COMPANY TREE AND VEGETATION MANAGEMENT ACTIVITIES.**

- (1) The Tree Warden (Select Board) shall request and the utility shall submit, per MGL c. 87, §14, an annual "Hazard Tree Removal Plan" and a "Vegetation Management Plan", as applicable (separately, and together, an "Annual Plan").
- (2) Such Annual Plan(s) shall include: a map of the circuits where maintenance will occur; and a listing and location of any public shade tree(s) expected to be removed.
- (3) The Annual Plan(s) shall be submitted to the Tree Warden (Select Board) prior to December 31<sup>st</sup> each year for activities to be conducted during the following year.
- (4) Any public shade tree expected to be removed will be appropriately marked by the utility company, so that the public may be made aware of the proposed work. The Tree Warden Designee and the utility representative(s) will visit the proposed work site(s) to inspect the proposed work.
- (5) The Tree Warden (Select Board) shall hold a consolidated public meeting with the Planning Board to review the annual plan(s).
- (6) Annual Plan(s) may be approved upon the determination at the consolidated public meeting per section L (5) above, that the plan is in compliance with the requirements of this bylaw.
- (7) The Tree Warden Designee shall then notify the utility in writing within 60 days of receipt of an Annual Plan(s) whether or not the plan has been approved or approved with changes made as a result of a public review during a scheduled consolidated public meeting.
- (8) Approved Annual Plan(s) shall be posted on the Town website, DPW's webpage and sent to the Town Planner and the Town Administrator for distribution to their respective Boards and to the public.
- (9) No tree removal, trimming or vegetation management affecting a public shade tree shall be done by the utility company that is not part of an approved Annual Plan, or is not otherwise approved by this bylaw.
- (10) Notwithstanding the Town's approval of the Annual Plan(s), a utility shall provide at least 30 days advance written notice to the Tree Warden Designee before beginning tree trimming or tree removal work pursuant to the Annual Plan(s).

#### **M. ENFORCEMENT**

- (1) Any person who violates any provision of this bylaw or MGL c. 87, §§3-5, relating to the trimming, cutting or removal of public shades trees shall be subject to fines for each separate offense, as provided by the Tree Warden Designee's regulations.
- (2) Each act causing damage to a separate tree shall constitute a separate offense.
- (3) Fines shall be assessed and collected under MGL c. 40, §21D process.

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- (4) These remedies shall not be in derogation of the Town's right to enforce the provisions of MGL c. 242, §7, against any person who without a permit willfully cuts down, girdles or otherwise destroys a public shade tree, or the Town's right to apply or enforce any other Massachusetts law or Town bylaw.
- (5) Fines and damages paid to the Town under this bylaw, MGL c. 87, or MGL c. 242, shall be paid to the Town of Southborough.

**N. SEVERABILITY**

- (1) If any part of this bylaw is for any reason declared invalid or unconstitutional by any court, every other part shall continue in full force and effect.

; or do or act anything in relation thereto.

**Proposed by: PLANNING BOARD**

**Select Board Recommendation:** At Town Meeting

**Advisory Committee Recommendation:** Support (5-1-0)

**Summary:** *The intent of the bylaw is to put in place a process for the maintenance of Public Shade Trees, including but not limited to, trimming, cutting, planting and the removal of dangerous or damaged trees within the public right of way, and to protect the town from unnecessary tree removal and to maintain the New England character and charm of the Town of Southborough.*

**MOTION MADE:** I move the Article as printed in the Warrant.

**FIRST AMNDMENT MADE:** To amend the motion by adding the words "that may disturb the public shade tree" after the words "drip line of a public shade tree in section D. (5) (2)."

**FIRST AMENDMENT PASSED.**

**SECOND AMENDMENT MADE:** To amend the motion by adding the words "The utility shall be exempt from the requirement of Section H of this bylaw for work described in this approved plan." After the words Section K (Emergency Tree Removal) in Section H. (1) With the requirements of this bylaw- in Section L. (6). And to amend the motion by adding the words (6) The Planning Board shall promulgate a tree replacement policy to carry forth the purpose and intent of this section of the bylaw" after the words "after section J. (5) (b) add (6) to section."

**SECOND AMENDMENT FAILED.**

**MOTION AS AMENDED BY AMENDMENT# 1 FAILED.**

**ARTICLE 2:** To see if the Town will vote, pursuant to the recommendation of the Planning Board to designate the following Town roads not currently designated as "scenic roads", other than those specifically excluded by State Statute, as "scenic roads" under provisions of the Commonwealth of Massachusetts General Laws Chapter 40, Section 15C and to instruct the Planning Board, in exercising responsibilities thereunder, to take into consideration simplification of town administrative and logistical scenic road management, sound planning principles, aesthetics, and preservation of natural resources as well as public safety, or do or act anything in relation thereto.

<u>Street</u>	<u>TM Date</u>	<u>Street</u>	<u>TM Date</u>
Adams Circle	4/8/1996	Kidder Lane	4/14/2003
Alexandra Circle	9/12/1994	Killam Farm Lane	4/9/2001
Andrews Way	9/12/1994	Ledge Hill Road	4/10/2000
Angelica Lane	4/12/2004	Liberty Drive	4/8/1996
Asaree Drive	9/12/1994	Maple Street Ext.	4/16/2014
Ashley Road	4/12/1993	Metacomet Lane	4/8/2002
Austin Kelly Lane	4/8/2002	Metcalf Lane	4/13/2015
<u>Street</u>	<u>TM Date</u>	<u>Street</u>	<u>TM Date</u>

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Banfill Lane	4/12/2004	Michael Circle	2/13/1995
Barn Lane	10/7/2013	Moore Road	4/11/1994
Beechwood Lane	11/13/2000	Nathan Stone Road	5/18/1999
Blendon Woods Dr.	10/7/2013	Nipmuc Lane	10/7/2013
Boswell Lane	4/13/1998	Orchard Road	4/14/92 & 4/14/08
Brookside Road	4/12/2004	Powder Mill Lane	4/13/1987
Burnett Road	4/14/1997	Presidential Drive	2/13/1995
Candlewood Lane	9/11/2000	Sadie Hutt Lane	4/23/1990
Constitution Drive	4/8/1996	Sarsen Stone Way	4/8/1991
Coslin Drive (portion)	2018	Schipper Farm Lane	4/8/2002
Country Lane	4/8/1996	Skylar Drive	4/13/1987
Darlene Drive	2/13/1995	Southwood Drive	9/11/2000
Davis Road	4/12/1993	Stockwell Lane	4/10/2000
Eastbrook Farm Lane	4/8/1996	Stub Toe Lane	4/8/1996
Fiddleneck Lane	4/11/2005	Summit Road	4/13/1987
Fitzgerald Lane	4/10/2000	Sunrise Drive	4/8/1991
Foxhill Drive	4/11/2016	Thayer Lane	4/13/2015
Garrison Lane	4/13/1987	Vale Terrace	4/9/2001
Glenwood Road	9/12/1994	Vickery Hill Lane	4/14/2008
Heather Lane	2/13/1995	Wells Lane	4/13/2010
Hidden Meadow Ln.	4/10/2000	Wentworth Drive	4/8/1996
High Ridge Road	4/14/1980	Whistler Lane	4/10/2000
Hillside Avenue Ext.	4/14/2003	Wildwood Drive	4/10/2000
Hubley Lane	4/9/2001	William Colleary Ln	4/11/2016
Independence Drive	4/8/1996	William Onthank Ln.	4/14/2008
Joslin Lane	4/11/2005	Witherbee Lane	4/11/2005
Kallander Drive	4/11/2005	Wyeth Circle	2/13/1995

**Proposed by:** PLANNING BOARD

**Select Board Recommendation:** At Town Meeting

**Advisory Committee Recommendation:** Support (5-1-0)

**Summary:** *The intent of this article is to protect the scenic quality and character of certain public ways in the Town by regulating the cutting or removal of trees and the disturbance of stone walls within the right-of-way of scenic roads*

**MOTION TO INDEFINITELY POSTPONE THE ARTICLE PASSED.**

**ARTICLE 3:** To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$152,000 for the purpose of addressing public shade trees that need to be removed to ensure public safety; or do or act anything in relation thereto.

**Proposed by:** SELECT BOARD

**Select Board Recommendation:** Support (5-0-0)

**Advisory Committee Recommendation:** Support (4-2-0)

**Summary:** *This article will fund a backlog of tree removals that in large part have been approved through joint hearings with Planning Board and the Select Board.*



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**MOTION MADE:** I move that the Town transfer the sum of \$100,000 from the overlay surplus account for the purpose of addressing public shade trees that need to be removed to ensure public safety  
**MOTION PASSED.**

**ARTICLE 4:** To see if the Town will vote to raise and appropriate the sum of \$14,209 to fund the economic cost items under M.G.L. Chapter 150E, Section 7 for the Fire Union collective bargaining agreement; or do or act anything in relation thereto.

**Proposed by:** SELECT BOARD

**Select Board Recommendation:** Support (5-0-0)

**Advisory Committee Recommendation:** Support (6-0-0)

**Summary:** *This article will fund costs associated with the first year of the contract agreed upon with the Fire Union, retroactive to July 1, 2022.*

**MOTION MADE:** I move the Article as printed in the Warrant.

**MOTION PASSED.**

**ARTICLE 5:** To see if the Town will vote to raise and appropriate the sum of \$10,000 for the purpose of paying the Town's share of casualty and other losses incurred to Town property and equipment which are not covered by insurance policies; or do or act anything in relation thereto.

**Proposed by:** SELECT BOARD

**Select Board Recommendation:** Support (5-0-0)

**Advisory Committee Recommendation:** Support (6-0-0)

**Summary:** *This article will provide funds to be used to pay the deductible for property damage which is not covered by insurance.*

**MOTION MADE:** I move the Article as printed in the Warrant.

**MOTION PASSED.**

**ARTICLE 6:** To see if the Town will vote to allow the Select Board to grant easements to Massachusetts Electric Company d/b/a National Grid, said easements to facilitate the installation of EV charging stations for hybrid and electric vehicles at 32 Cordaville Road (Public Safety Building) and such other town-owned locations as the Select Board may determine for a similar purpose; or do or act anything in relation thereto. **Proposed by:** SELECT BOARD

**Select Board Recommendation:** Support (5-0-0)

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *The Police Department has begun augmenting its fleet with hybrid Police cruisers as vehicles come up for replacement. Part of the cost of these vehicles is offset by the Green Communities grants received by the Town. These charging stations will help to facilitate our inclusion of more hybrid and/or electric vehicles into the fleet. The Town's Energy Manager is working with our energy consultant to have these installed at no cost to the Town.*

**MOTION MADE:** I move that the Town vote to allow the Select Board to grant easements to Massachusetts Electric Company d/b/a National Grid for a period expiring 12/31/2027, said easements shall be only be granted if they are specifically required for the installation of EV charging stations for hybrid and electric vehicles at 32 Cordaville Road (Public Safety Building) and/or other town owned property in which there is currently parking for vehicles.

**AMENDMENT MADE:** I move to strike the words "and/or other town owned property in which there is currently parking for vehicles."

**AMENDMENT FAILED.**

**MOTION PASSED BY MODERATOR DECLARED 2/3<sup>rd</sup> MAJORITY.**

**ARTICLE 7:** To see if the Town will vote to adopt as §41-4.1 of the Town Bylaws the following, or take any action related thereto:

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**§ 41-4.1 Inclusion of Warrant Articles in a Warrant** All citizens' petitioned warrant articles submitted pursuant to M.G.L. c. 39, §10 for inclusion on any town meeting warrant must be delivered to the Select Board's office no later than thirty (30) calendar days prior to the date of such town meeting. ; or do or act anything in relation thereto

**Proposed by:** SELECT BOARD

**Select Board Recommendation:** Support (5-0-0)

**Advisory Committee Recommendation:** Support (6-0-0)

**Summary:** *This article will require reasonable advance notice for any new bylaw proposed through a citizens' petition to be considered by a Town Meeting. This advance notice will allow time for public notice and discussion of any such new bylaw in advance of a Town Meeting vote.*

**MOTION MADE:** I move the Article as printed in the Warrant.

**MOTION PASSED.**

*Approved by the Attorney General on December 21, 2022.*

**ARTICLE 8:** To see if the Town will vote to amend Chapter 41 of the Town Code entitled "Town Meetings" by adding a new section § 41-6.1 Voting Procedure as follows:

**§ 41-6.1 Voting Procedure**

Unless otherwise required by law, bylaw, regional agreement, or similar binding obligation, the Moderator shall determine the method of voting on each Article at Town Meeting, which method may vary from Article to Article, and which method may include, but not be limited to: a voice vote, a vote by voter card, a standing vote, a written ballot vote, or a vote by electronic technology. ; or do or act anything in relation thereto.

**Proposed by:** TOWN CLERK AND TOWN MODERATOR

**Select Board Recommendation:** Support (5-0-0)

**Advisory Committee Recommendation:** Support (6-0-0)

**Summary:** *This Article defines the methods of voting that the Moderator may determine to use at Town Meeting, including by electronic technology; such as individual vote tabulators ("clickers") provided at the Town Meeting.*

**MOTION MADE:** I move the Article as printed in the Warrant.

**MOTION PASSED.**

*Approved by the Attorney General on December 21, 2022.*

**ARTICLE 9:** To see if the Town will vote to raise and appropriate, or transfer from available funds a sum of money for General Government capital items for the following purposes:

	Description	Request	Levy	Other Funds
A.	Town Clerk - Clickers	\$ 5,000	\$ 5,000	
B.	Pavement Management System	\$29,000	\$29,000	

, or do or act anything in relation thereto.

**Proposed by:** SELECT BOARD

**Select Board Recommendation:** Support (5-0-0)

**Advisory Committee Recommendation:** Support (6-0-0)

**Summary:**

*A. This Article provides funding to rent voting 'clickers' for electronic voting at the 2023 Annual Town Meeting to allow the voters to try the clickers before committing to purchase them. The total purchase price for 600 clickers is \$18,600 and the rental fee of \$5,000 will be applied towards the purchase price. The devices have a 10-year life expectancy.*

*B. The purpose of the management system will be to provide the Town with easily accessible inventory and management information for its pavement network. The system will serve as a tool in providing the basis for*

*the development of both short and long term operational and capital funding outlays and projections. The system will allow the community to maintain its roadway facilities in the best condition possible through the effective spending of available dollars and help the Town prepare a multi-year capital improvement program.*

**MOTION TO INDEFINELY POSPONE THE ARTICLE PASSED.**

**ARTICLE 10:** To see if the Town will vote to transfer \$12,500 from overlay surplus account for the purpose of converting and upgrading the Assessors' real estate software utilized to develop annual real estate assessment, or do or act anything in relation thereto.

**Proposed by:** BOARD OF ASSESSORS

**Select Board Recommendation:** Support (5-0-0)

**Advisory Committee Recommendation:** Support (6-0-0)

**Summary:** *Real Estate software utilized by the Assessors, AssessPro, version 4.7.4 by Patriot, is a platform that is being phased out and will be no longer be supported. It is required that all Massachusetts users of this software convert to the new AssessPro AP-5.0 version over the next few years. This funding will cover the cost for the software conversion which is scheduled to begin in late fall of 2022.*

**MOTION MADE:** I move the Article as printed in the Warrant.

**MOTION PASSED.**

**ARTICLE 11:** To see if the Town will vote to transfer \$14,000 from overlay surplus account for the purpose of contracting professional appraisal services to conduct cyclical inspections of residential properties within the Town, or do or act anything in relation thereto.

**Proposed by:** BOARD OF ASSESSORS

**Select Board Recommendation:** Support (5-0-0)

**Advisory Committee Recommendation:** Support (4-2-0)

**Summary:** *The Department of Revenue's Bureau of Local Assessment requires that all local Board of Assessors conduct a cyclical re-inspection program to inspect all real estate within the community over a nine-year period. This article is intended to provide funding for the Board of Assessors to contract professional appraisal services to assist with 400 inspections and data collection necessary to complete this project.*

**MOTION MADE:** I move the Article as printed in the Warrant.

**MOTION PASSED.**

**ARTICLE 12:** To see if the Town of Southborough will vote to request that the Select Board restrict the placement of flags in the Old Burial Ground to the official flag of the United States of America, flown on the single existing permanent pole. In accordance with state and federal preservation guidelines, and out of respect for those buried within, all additional flags on raised flagpoles shall be removed. This policy shall not apply to individual grave markers.; or do or act anything in relation thereto.

**Proposed by:** DEBORAH DEMURIA and REBECCA DEANS-ROWE

**Select Board Recommendation:** At Town Meeting

**Advisory Committee Recommendation:** Support (4-2-0)

**Summary:** *This citizen's petition seeks to limit the placement of flags in the Old Burial Ground to only the American flag, consistent with preservation guidelines for municipally owned burial grounds and cemeteries. This policy follows the recent unanimous U.S. Supreme Court decision regarding free speech rights under the First Amendment. The Court found that municipalities cannot selectively allow some private groups to fly flags on public property while denying other groups (Shurtleff v. City of Boston, 2022).*

**MOTION MADE:** I move the Article as printed in the Warrant.

**MOTION FAILED.**

**ARTICLE 13:** To see if the Town of Southborough will vote to acquire, by gift, a conveyance of land commonly known as "St. Mark's Triangle", Assessors Map 54 Lot 8, from the Trustees of St. Mark's

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School to the Town of Southborough and to authorize the Select Board to execute all documents and take all action necessary to accomplish said acquisition.

The land containing approximately 0.93 acres located on the westerly side of Marlborough Road, in the town of Southborough, is bounded and described as follows:

SOUTHERLY: by the land of the Town of Southborough, 121.9 feet (Library) and 108.5 feet (Old Burial Ground), more or less;

WESTERLY: by the easterly sidelines of St. Mark's Street, 310.6 feet more or less;

NORTHERLY: by the southerly sidelines of St. Mark's Street, 83.7 feet more or less; and

EASTERLY: by the westerly sidelines of Marlborough Road, 335.8 feet, more or less

The said parcel being shown as Parcel "B" on a plan titled, "Plan of Land in Southborough, Mass. Owned By: Trustees of St. Mark's School Scale: 1" = 40' March 18, 1977. Survey By; MacCarthy and Sullivan Engineering Inc., 81 Speen Street, Natick Mass." as filed in the Worcester Registry of Deeds plan book 453, page 43.; or do or act anything in relation thereto.

**Proposed by:** DEBORAH DEMURIA and KEVIN FARRINGTON

**Select Board Recommendation:** At Town Meeting

**Advisory Committee Recommendation:** Support (4-2-0)

**Summary:** *This citizen's petition authorizes the Select Board to accept a gift of land from St. Mark's School commonly known as St. Mark's Triangle. The parcel is adjacent to the library parking lot and Old Burial Ground in Southborough's historic district.*

**MOTION TO INDEFINITELY POSPONE THE ARTICLE PASSED.**

**MOTION TO DISSOLVE THE SPECIAL TOWN MEETING AT 11:42PM.**

True Copy

Attest:

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James F. Hegarty, Town Clerk



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The Annual Town Meeting was duly called on Saturday March 25, 2023, at 1:00 PM and held at the Trottier Middle School, 49 Parkerville Road, Southborough, MA. Town Moderator Paul M. Cimino called the meeting to order at 1:08 PM and announced that a quorum of more than 100 voters was present; 490 voters were registered during the afternoon session. Due to capacity issues in the auditorium, the Moderator allowed voters to sit in the cafeteria which had been equipped with audio and video so the voters could fully participate in the meeting. The Moderator designated Rogen Challen as a Deputy Moderator to oversee the voting in the cafeteria.

The following Articles were voted on in a legal manner.

**MOTION MADE:** To dispense with the reading of the Warrant for the meeting, the officer's return of service, and to waive the reading of the separate articles of the Warrant.

**MOTION PASSED UNANIMOUSLY.**

**Reports:**

Angela Varner presented a report from the Municipal Technology Committee.

**Moderator's Consent List:**

**MOTION MADE:** That the following articles be combined for one vote and to pass them:

Articles 1, 2, 3, 10, 11, 16, 17, 18, 19, 20, 21, 22, 23, 24, 32.

(Articles 11, 23, 24 and 32 were held.)

**MOTION TO PASS CONSENT ARTICLES 1, 2, 3, 10, 16, 17, 18, 19, 20, 21, 22 PASSED.**

**ARTICLE 1:** To see if the Town will vote to accept any sum of money from St. Mark's School, Fay School, Harvard Medical School, L'Abri Fellowship, The New England Center for Children, and any other contributor and deposit same amount in Estimated Receipts Account and determine what disposition shall be made of the same, if accepted, or do or act anything in relation thereto.

**Proposed by:** SELECT BOARD

**Select Board Recommendation:** Support (Unanimous)

**Advisory Committee Recommendation:** Support (Unanimous)

**Summary:** *To allow the Select Board to accept donations from Tax Exempt organizations and determine the disposition of funds.*

**MOTION PASSED AS PART OF THE MODERATOR'S CONSENT LIST.**

**ARTICLE 2:** To see if the Town will vote to authorize the Town Treasurer, with the approval of the Select Board, to borrow from time to time in anticipation of revenue of the financial year beginning July 1, 2023 in accordance with the provisions of Massachusetts General Laws, Chapter 44, and to issue a note or notes as may be given for a period of less than one year in accordance with Massachusetts General Laws, Chapter 44, Section 17 as amended, or do or act anything in relation thereto.

**Proposed by:** SELECT BOARD

**Select Board Recommendation:** Support (Unanimous)

**Advisory Committee Recommendation:** Support (Unanimous)

**Summary:** *This article allows the Town Treasurer to short-term borrow in anticipation of revenue.*

**MOTION PASSED AS PART OF THE MODERATOR'S CONSENT LIST.**

**ARTICLE 3:** To see if the Town will vote in accordance with the provisions of Massachusetts General Laws Chapter 30B, Section 12(b), to authorize the Select Board or the Superintendent of Schools to solicit and award contracts for terms exceeding three years, but no longer than seven years, including any renewal,

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extension or option, provided in each instance the longer term is determined to be in the best interest of the Town by a vote of the Select Board or the School Committee, as appropriate, or do or act anything in relation thereto.

**Proposed by:** SELECT BOARD

**Select Board Recommendation:** Support (Unanimous)

**Advisory Board Recommendation:** Support (Unanimous)

**Summary:** *This article allows the Select Board and/or the School Committee to enter into contracts in excess of three years, if deemed in the best interest of the Town to do so. This has been an annual article, and the exemption has been limited to contracts of no more than seven years.*

**MOTION PASSED AS PART OF THE MODERATOR'S CONSENT LIST.**

**ARTICLE 4:** To see if the Town will vote to accept the Personnel Salary Administration Plan, as specified in Chapter 31 of the Code of the Town of Southborough, entitled: PERSONNEL.

PERSONNEL BYLAW  
ENTITLED "THE SALARY ADMINISTRATION PLAN"  
[revised at March 25, 2023 Annual Town Meeting]

Effective July 1, 2023, this bylaw establishes a Salary Administration Plan for the Town of Southborough that (i) groups position classifications in Town services, (ii) establishes salary schedules and employee benefits and (iii) establishes and authorizes the Personnel Board to administer the bylaw and to represent the interest of both the taxpayers and the Town employees.

This Salary Administration Plan applies to the positions of all officers and employees in the service of the Town, whether full-time, part-time, temporary, seasonal, special or any other, except those positions filled by popular election, under the direction and control of the School Committee, performed pursuant to a contract approved by the Town, encompassed in any officially recognized labor union and/or association, or exempted by statute. The positions covered by this Salary Administration Plan are hereby classified by titles in the groups listed in Schedule A through E ("Classification Schedule") as set forth in Section 20 of this bylaw.

The classification of positions subject to the Massachusetts Welfare Compensation Plan (as amended) and the scheduled rates therefor, as well as the applicable provisions of the Massachusetts General Laws relating to the application of rates set forth in the aforementioned Welfare Compensation Plan are hereby incorporated by reference.

**SECTION 1. DEFINITIONS**

As used in this bylaw, the following words and phrases shall have the following meanings:

"Administrative Authority" means the elected or appointed official or board having jurisdiction over a function or activity.

"Base Pay" means the compensation paid by the Town of Southborough for the purposes of determining retirement credits and contributions for Town employees.

The Town shall contribute funds as required for each eligible employee in accordance with the procedures and formula established by the Worcester Regional Retirement System and the bylaws of

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the Town of Southborough. Contributions shall include (i) wages earned during the first eight hours worked in any one day (no contributions shall be made for hours worked in excess of 40 per week,) (ii) any lump sum bonus that is guaranteed by the Salary Administration Plan or the Bylaws of the Town, (e.g., longevity pay); (iii) vacation pay, except when paid in lieu of taking vacation; (iv) sick pay; and (v) holiday pay.

“Class” means a group of positions in the Town service sufficiently similar with respect to duties and responsibilities such that for each position the same (i) descriptive title may be used, (ii) qualifications shall be required, (iii) tests of fitness may be used to choose qualified employees and (iv) scale of compensation can be equitably applied.

“Classification Schedule” means any of Schedules A, B, C, D and E of Section 20 hereof.

“Compensation Grade” means a range of salary/wage rates as may appear in the Classification Schedules.

“Continuous Full-Time Service” means employment requiring a predetermined minimum work period that is uninterrupted except for authorized leaves (e.g., vacation, sick, etc.).

“Continuous Employment” means full-time or part-time employment that is uninterrupted except for authorized leaves (e.g., vacation, sick, etc.).

“Department” means a functional unit of Town government.

“Department Head” means the person appointed and responsible to carry out the duties of a Department.

“Exempt employee” means an employee who is not entitled to overtime pay under the Fair Labor Standards Act (FLSA).

“Full-Time Employment” means employment for not less than 20 hours per week for fifty-two weeks per annum, excepting authorized holidays and leave periods.

“Group” means a group of classes as may appear in the Classification Schedules.

“Maximum Rate” means the highest compensation rate to which an Employee is entitled.

“Minimum Rate” means the lowest rate in a Range, and is normally the hiring rate of a new employee.

“Non-exempt employee” means an employee who is entitled to overtime pay under the Fair Labor Standards Act (FLSA).

“On-Call Compensation” refers to additional money paid to an employee who is available to work when the need requires; oftentimes in an evening or weekend capacity.

“Part-Time Employment” means employment less than 20 hours per week.



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“Position” means an office or post of employment in the Town service with duties and responsibilities calling for the Full-Time or Part-Time employment of one person in the performance and exercise thereof (or of more than one person sharing the same position).

“Position Class” means the same as “Class” (note that a class may include only one position, in which event it is defined as a “single position class”).

“Probationary Employee” means a first-time Town employee within his/her first six months of employment.

“Promotion” means a change from one position to another position in a higher class and/or compensation grade.

“Range” means the difference between minimum and maximum rates of an assigned grade.

“Rate” means the measure of compensation for personal services on an hourly, weekly, monthly, annual or other basis.

“Salary Administration Plan” means the Personnel Bylaw Entitled “The Salary Administration Plan.”

“Single Rate” means a rate for a specific position class that is not in a designated range

“Start Date” means the first day of employment with the Town.

## SECTION 2. POSITION TITLES

No person shall be appointed, employed or paid in any position under any title other than those of the Classification Schedule for which the duties are actually performed. The position title in the Classification Schedule shall be the official title for all purposes, including payrolls, budgeting and official reports.

## SECTION 3. NEW OR CHANGED POSITIONS

No new position shall be established, nor the duties of an existing position so changed that a new level or work demand exists, unless upon presentation of substantiating data satisfactory to the Personnel Board, the Board shall rate such new or changed position, and allocate it to its appropriate classification grade and establish the rate therefor.

## SECTION 4. RECLASSIFICATION OF EMPLOYEES

No position may be reclassified to another grade, whether higher or lower, unless the Personnel Board shall have determined such reclassification is consistent with this Salary Administration Plan.

## SECTION 5. JOB DESCRIPTIONS

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The Personnel Board shall maintain such criteria as it deems appropriate for the positions and classes in the schedules. Each department or public body (board, committee, commission) with SAP employees shall maintain current job descriptions for such employees. All such job descriptions and any revisions thereto must be submitted to the Personnel Board for approval following review and approval by the Select Board or appropriate public body. The criteria for any class shall not be deemed to limit the duties or responsibilities of any position as set forth in the job description, nor to affect in any way the power of any administrative authority to appoint, to assign duties to, or to direct and control the work of any employee under the jurisdiction of such authority.

#### SECTION 6. COMPENSATION

a. The bi-weekly pay period shall begin at 12:00 a.m. Thursday and shall end at 11:59 p.m. on the following second Wednesday.

b. Non-exempt employees subject to this Salary Administration Plan shall be paid for one and one-half hours worked for any hour worked in the excess of forty in their weekly pay period, provided such extra hours were authorized by the Department Head.

c. The salary schedules set forth in Schedules A, B, C, D and E of Section 20 hereof reflect the maximum and minimum salaries for each grade.

d. The annual salary set forth in Schedule A represents a 40-hour work week and in the event an employee works less than 40 hours per week but more than 20 hours per week, the indicated annual salary is pro-rated reflective of the posted salary schedule in Schedule A.

e. Amounts paid to employees in reimbursement for expenses incurred in the performance of their duties (e.g., mileage, meals, dues, etc.) shall be paid in addition to their compensation. Reimbursement shall be based upon the actual documented expenditure made by the employee, or at rates established by the Internal Revenue Service, supported by that agency's requirements for documentation.

f. On-Call Compensation: The on-call member of the Facilities Department shall be eligible to earn a weekly stipend for on-call service if the department head has required them to be available to respond to situations outside of their normal work schedule. This weekly stipend shall be equal to a set rate of \$300 per week. If the on-call staff member must report to work outside of their normal work schedule, compensation for this time shall be based on the standard SAP overtime practices. Additionally, if the on-call staff member is faced with a situation that renders them unable to serve as the on-call individual on a particular day that they are scheduled to be on call, said employee may request that another eligible staff member cover their on-call time, with the approval of the department head. In such an event, the regularly scheduled employee's weekly stipend will be reduced by \$45.00 per day that they are unable to be on call; this stipend amount will instead be paid to the covering employee per day of coverage. There is no provision to accrue compensation time in lieu of payment for on-call time.

#### SECTION 7. SALARY ADJUSTMENT & COMPENSATION POLICIES

a. Every employee that is in Continuous Full-Time or Part-Time service of the Town, as computed from the date of their latest employment, shall be eligible for consideration of a salary increase annually on July 1. Employees hired between April 1 and June 30 will be eligible for a salary

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increase the July 1<sup>st</sup> following their twelve-month anniversary. Except as may be authorized by the Personnel Board in exceptional circumstances, such increase is not to exceed one increase in any single twelve-month period until the maximum of the grade is obtained, and such increase shall be subject to the recommendation of the Department Head, with the approval of the Select Board or their designated appointee in the case of departments within the jurisdiction of the Select Board, or the appropriate Commissioners or Trustees in the case of departments outside the jurisdiction of the Select Board.

Retroactive salary increases voted by the Personnel Board shall not be compensated beyond July 1 of that fiscal year, regardless of the funding mechanism.

Unless specifically exempted by Personnel Board policy, requests for salary increases must be accompanied by a certification from an employee's manager that the employee's performance has been "satisfactory" or better and that a written employee performance appraisal, on a form approved by the Personnel Board, has been completed. The form of this certification will be prescribed by Personnel Board policy promulgated hereunder. Upon receiving such documentation, the Personnel Board shall have final review and approval of all adjustments.

An employee may appear before the Personnel Board prior to its action on any request for an increase. Any employee denied such an increase may appeal, in writing, to the Personnel Board, which shall confer with the employee, the Department Head and the Select Board or their designated appointee, or the appropriate Commissioners or Trustees, and shall decide the matter.

b. Special Non-Continuous Part-Time employees and employees in Schedule B classifications shall be eligible for consideration for salary increases upon the recommendation of the appropriate department manager or Board and approval of the Personnel Board.

c. Probationary Employees

1. During the probationary period, benefit eligible employee(s) will earn vacation, sick and personal time in accordance with Section 11(b-d) hereof.

2. During the probationary period, paid leave accruals shall be based on the Start Date.

#### SECTION 8. TRANSFERS AND PROMOTIONS

a. An employee who is promoted to a job with a higher range or rate of pay shall enter it at the rate recommended by the Department Head with the approval of the Personnel Board, provided the maximum for the job is not exceeded. This is contingent upon the Department Head's recommendation that qualifications and performance warrant it.

b. An employee transferred to a job with a lower range or rate of pay shall enter it at the rate paid for the previous position or at the maximum rate for the job, whichever is the lower, provided the Personnel Board approves. The employee shall have a right to appeal this decision, in writing, to the Personnel Board, which shall confer with the employee, the Department Head and the Select Board or their designated appointee, or the appropriate Commissioners or Trustees, and shall decide the matter.

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SECTION 9. NEW PERSONNEL HIRING; DEPARTURES

a. Pre-employment physical examinations will be required of newly-hired employees consistent with the Town's policies.

b. Probationary period: For new hires, the first six months of employment shall be a probationary period. The probationary period does not apply to Town employees who change positions within the Town. The probationary period is a time during which an employee will be evaluated to ensure that the employee has the requisite knowledge, skills, and abilities to perform the position (with or without reasonable accommodations). Completing the probationary period does not change the employee's relationship with the Town, which will remain one in which either the employee or the Town may terminate the relationship at will.

c. A new employee's hiring rate shall be the minimum of the rate range of the job, unless otherwise authorized by the Personnel Board or Personnel Director. The Personnel Board is cognizant of the need to make timely decisions during the recruitment process, therefore, the Personnel Director is empowered to set starting salaries for new employees with comparable experience at a rate not exceeding the mid-point of the pay scale set forth in Schedule A of the Salary Administration Plan.

d. The Personnel Director or his/her delegatee shall notify the Personnel Board in writing of the hiring of all personnel and their hiring rates. The Personnel Director or his/her delegatee shall also notify the Personnel Board in writing of the departure of any employee.

SECTION 10. DEPARTMENT BUDGETS

Each Department Head shall include in the annual departmental budget a pay adjustment section to provide funds for anticipated pay adjustments, with expenditures to be made only in accordance with this Salary Administration Plan and with the approval of the Personnel Board. Degree bonus [Sec 11i(1)] funds shall also be budgeted in the departmental budget.

SECTION 11. EMPLOYEE BENEFITS

Employee benefits are a cost to the Town and a form of "indirect pay" to employees. The benefits listed below are not intended to supersede what State or Federal law may otherwise require. The benefits set forth in this section are applicable to Full-Time employees only, except where noted.

All forms of paid leave set forth in this section are based on a 40 hour work week; in the event an employee works less than 40 hours per week but more than 20 hours per week, the indicated benefit shall be pro-rated reflective of the approved hours per week for that position.

a. Holidays with Pay

Full-Time employees shall receive one day's pay at their regular rate for the following:

New Year's Day	Labor Day
Martin Luther King Day	Columbus Day
Presidents' Day	Veteran's Day
Patriot's Day	Thanksgiving Day
Memorial Day	Day after Thanksgiving Day

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Juneteenth	Christmas Day
Independence Day	Day before <u>or</u> after Christmas Day (as set by the Town annually

To be eligible for holiday pay, an employee must work (or be duly excused from working) their regular scheduled days preceding and following the holiday. Employees who do not work 20 hours or more per week on a regular basis shall not be compensated for holidays.

Employees whose regular day off falls on a holiday may have one day off with pay within the ensuing thirty days in lieu of holiday pay, with the specific choice of day subject to Department Head approval. Furthermore, the day granted in lieu of holiday pay shall not cross fiscal years.

All administrative policies and practices relative to holidays with pay shall be prepared and established under the direction of the Personnel Board.

b. Vacations with Pay

(1) Full-Time employees who have been in the continuous employ of the Town shall earn paid vacation in accordance with the following schedule:

Years of Employment	Hours Earned Per Month	Vacation Earned Per Year (Pro-rata)
0 - 2	6.666	Two weeks
2+ - 7	10.0	Three weeks
7+ - 15	13.333	Four weeks
15+ - or more	16.666	Five weeks

Employees hired prior to July 1, 2005, shall be eligible to earn twenty hours per month after serving twenty years of full-time employment with the Town.

(2) At the recommendation of the hiring authority and upon the approval of the Personnel Board, new employees entering into a position with the Town of Southborough from a similar position will be allowed to enter into the vacation schedule using their years of service from their prior employment, up to a maximum of three weeks' vacation [pro-rated] for the first year of employment with the Town. Employees commencing employment with three weeks per year will be required to complete five years of service before ascending to the next band in the vacation schedule chart.

(3) Vacation shall be granted by Department Heads at their discretion subject to the regular work needs of the Department. An employee shall be permitted to carry over to the following year one year's worth of earned vacation. Employees hired on or after July 1, 2023, shall be permitted to carry over a maximum of two weeks to the following fiscal year. The employee must have the Department Head's approval to take any portion of a prior year's unused vacation in addition to the days earned in the current fiscal year.

(4) If in the opinion of the Department Head there are unusual work-related circumstances that warrant it, a department head may seek approval from the Town

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Administrator or his/her delegatee to allow the employee to continue to work and receive vacation pay in lieu of taking vacation. Approval granted in this section may not exceed ten days per fiscal year.

(5) In the event of termination of employment the employee shall be paid, or be entitled to time off with pay, for any accumulated vacation time. Personal and sick leave shall not be compensated at termination.

(6) Vacation administrative policies and practices shall be prepared and established under the direction of the Personnel Board.

c. Sick Leave

(1) Full-Time employees shall be entitled to accrue 10 sick hours per month, equaling 120 hours annually (15 sick days); employees working less than 40 hours in a weekly pay period will accrue ratably based on hours worked per week. Pay for each day of sick leave shall be at the regular rate. Absences on account of sickness in excess of that authorized shall be charged to vacation or other available paid leave. Sick leave shall be payable only in cases of genuine illness, non-work connected accident, or work connected accidents not covered by Massachusetts General Laws Chapter 152 (Workers' Compensation).

(2) Unused sick leave may be accumulated without limitation for employees hired before July 1, 2007. Employees of the Town of Southborough hired on or after July 1, 2007 may only accrue 120 sick days at any one time. At retirement [or death] only, the Town will pay the employee twenty percent (20%) of the employee's then-accumulated sick leave. Employees of the Town of Southborough hired on or after July 1, 2023, will not be subject to any payout of accumulated sick leave.

(3) Employees who because of genuine illness or a non-work connected accident are absent for a period of more than three days shall be required to present a doctor's certificate to their Department Head before returning to work stating the reason, the period of time the employee was absent and whether there are any physical restrictions or required outpatient services the employee must adhere to in the workplace.

(4) Annually, an employee may use up to seven of the allowed fifteen days of sick leave for the care of a sick family member.

(5) Sick leave administrative policies and practices shall be prepared and established under the direction of the Personnel Board.

d. Personal Days

Full-Time employees shall be entitled to three personal days per year, to be granted annually on the anniversary of the employee's Start Date. New employees shall be granted three personal days which shall be pro-rated based on hours worked per pay period. Requests for personal days shall be approved by the Department Head. Personal days shall not accumulate from year to year.

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e. Military Leave

(1) Reserve Duty: An employee in full-time employment in the military reserve shall be paid the difference between compensation received while on reserve duty and regular compensation rates paid the employee by the Town. Such payment by the Town shall be limited to a period not to exceed two weeks in any twelve-month period.

(2) Active Duty: Pursuant to Article 8 of the April 11, 2005 Annual Town Meeting, an employee in the federal military reserve or a state National Guard who is called to active service shall be entitled to their regular base salary and shall not lose any seniority or paid leave benefits while on military leave; *provided*, however, that such base pay shall be reduced by any amount received from the United States as pay or allowance for military service performed.

f. Jury Duty

Any employee who is called to jury duty shall be paid the difference between their normal compensation and the amount (excluding any travel allowance) received from the court, upon presentation of evidence of the amount paid by the court.

g. Miscellaneous Paid Time Off

Working time lost from regularly scheduled work days for reasons listed below shall be without loss of pay, provided such lost time is authorized by the Department Head. Sections (1) – (3) are applicable to Full-Time employees only; Section (4) is applicable to both Full-Time and Part-Time employees.

(1) Bereavement leave – In the event of the death of a spouse, father, mother, child, father-in-law, mother-in-law, brother, sister, grandparent, or of any other person then residing with the employee, such employee shall be entitled to receive three days' leave for the purpose of the funeral and services of the deceased. If out-of-state travel is required, the Department Head may authorize up to two additional days of travel time.

(2) Medical examination or inoculation required by the Town.

(3) Blood donation authorized by the Department Head.

(4) Attendance at professional and/or educational programs authorized by the Department Head.

h. Court Time Pay

If the Town requires that an employee appear in Court as a witness or in any other capacity arising from the performance of the employee's duty, or on behalf of the Commonwealth or the Town in any civil or criminal case pending in any Court or other official governmental board or agency, such appearance and related travel time shall constitute work time for purposes of calculating weekly hours worked. If such appearance or related travel time causes a non-exempt employee to exceed forty hours of work in any given work week, the employee shall be eligible for overtime pay in accordance with

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Section 6(b). This section does not apply to exempt employees.

i. Employee Educational Support/Professional Development

(1) Degree Bonus: All Part-Time and Full-Time employees who, while an employee of the Town, earns a degree in a field applicable to their position from an accredited college or university, shall receive a one-time bonus subject to appropriation, according to the following schedule:

Associates Degree \$ 800.00  
Bachelors Degree \$1,200.00  
Masters Degree..\$1,500.00

A copy of the completed transcript, diploma or other appropriate evidence of the completed degree must be presented to the Department Head and the Personnel Board, and shall be submitted as documentation for accounts payable.

(2) Tuition reimbursement: the Town may offer tuition reimbursement to eligible Full-Time and Part-Time employees as prescribed by Personnel Board policy enacted under this Bylaw.

j. Group Medical Insurance

Starting July 1, 2009, the Town will contribute fifty percent (50%) of the cost of a medical indemnity plan or seventy-five percent [75%] of the cost of a Health Maintenance Organization plan for Full-Time employees only.

SECTION 12. UNPAID LEAVES OF ABSENCE

a. A leave of absence without compensation may be granted by the Personnel Board.

b. Leaves of absence of over three months' duration (except Military Leave) shall be deemed a break in employment, and on return to work the employee shall have the status of a new employee unless an extension of leave beyond three months was authorized by the Personnel Board.

SECTION 13. PART-TIME EMPLOYEES WORKING FULL-TIME HOURS TEMPORARILY

a. A Part-Time employee may work 20 hours or more per week for no longer than two bi-weekly pay periods, or four bi-weekly pay periods in the case of an Election Worker during an election cycle, if requested by their Department Head due to exigent circumstances, or for longer if recommended by the appointing authority or the Personnel Director, with the authorization of the Finance Director and approval of the Personnel Board. In such cases, the employee will remain a Part-Time employee with no change in status.

b. Department Heads may submit requests for additional compensation for Part-Time employees temporarily working Full-Time hours, subject to available funding as authorized by the Finance Director and approved by the Personnel Board.



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SECTION 14. APPOINTMENT OF "ACTING" DEPARTMENT HEADS

a. In the absence or retirement of a Department Head for three consecutive weeks, the Select Board or appropriate board or commission may appoint an "Acting" Department Head to serve for a period of not more than three months. Such three-month period may be extended for up to three additional three-month periods, upon the approval of the Select Board or other appropriate board or commission for each such extension. In no case shall an appointment of an "Acting" Department Head exceed one year.

b. Duly appointed "Acting" employees shall be compensated at an additional 10% per week, payable retroactively only upon the conclusion of three consecutive weeks of service by the "Acting" employee. Such employees shall still be eligible for overtime pay when fulfilling regular duties from the previous job beyond normal working hours.

SECTION 15. PERSONNEL BOARD

a. There shall be a Personnel Board to administer the Salary Administration Plan. Said Board is to be appointed by the Town Moderator. The Board shall consist of five voters other than employees of the Town or those regularly serving the Town in any elective capacity. They shall serve without compensation.

b. Other than as may be needed to fill unexpected vacancies, appointments shall be for three years. The Moderator shall fill any vacancies. The Personnel Board may employ assistance and incur expenses as it deems necessary, subject to appropriation of funds therefor.

SECTION 16. DUTIES OF THE PERSONNEL BOARD

a. The Personnel Board shall administer the Salary Administration Plan and shall establish such policies, procedures and regulations as it deems necessary for the administration of the Plan.

b. The Town Administrator serves as the Town's Personnel Director under the Town Administrator Bylaw [Ch. 27, Art. IX]. As such, the Personnel Director is invested with personnel authority and responsibilities as set forth therein. From time to time, and as may be necessary, the Personnel Board will consult and/or act in concert with the Personnel Director or his/her delegatee on matters of joint responsibility and concern.

c. The Board shall meet annually in July and organize by the choice of a Chair and Vice-Chair. The Board shall meet at least monthly, except when there is no business before the Board. A majority of the Board shall constitute a quorum for the transaction of business. The votes of the majority of all the members of the Board shall be necessary on any matter upon which it is authorized to or required to pass under the Salary Administration Plan.

d. The Personnel Board shall maintain records of all employees subject to this Plan as it deems desirable, including personnel evaluations. Such records are to be kept by the Personnel Director or his/her delegatee, under the direction of the Personnel Board. Department Heads shall furnish such

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information as requested by the Board.

e. The Personnel Board shall from time to time, but no less often than every federal Election Year, review the Classification Schedule, Salary Schedules, and administration policies of the Salary Administration Plan. It shall keep informed as to pay rates and policies outside the Town, and shall recommend to the Town any action that the Board deems desirable in that regard. The Personnel Board may tentatively add a new class to the Classification Schedule or reallocate an existing class to a different compensation grade, either higher or lower, subject to the subsequent ratification of its action by formal amendment of the Salary Administration Plan at the next Annual Town Meeting.

f. The Personnel Board may vote an annual adjustment (but shall reserve the right to vote no adjustment) to the Classification Schedule and establish the effective rate for employees of each grade for the next fiscal year, subject to the subsequent ratification of its action by formal amendment of the Salary Administration Plan at the next Annual Town Meeting. The Personnel Board shall base any annual adjustments upon available relevant information. Approval of the rate for any given employee is not guaranteed and is driven by the annual performance evaluation.

g. Matters of concern by SAP employees that are communicated in writing to the Chair of the Personnel Board will be scheduled on an agenda at the next available meeting providing all necessary and requested information has been submitted in time to be part of the meeting packet. In addition, notice in writing shall be forwarded to the concerned employee and respective Department Head within seven days of the Board's decision. Notwithstanding the foregoing, if the Personnel Board shall so request and the concerned employee and Department Head shall agree, a reasonable extension of these time periods may be granted.

h. Upon recommendation of a Department Head, supported by evidence in writing of special reasons and exceptional circumstances satisfactory to the Personnel Board, the Board may authorize variances in the Salary Administration Plan as it may deem necessary for the proper functioning of the services of the Town, and to effectuate the basic intent of the Plan.

#### SECTION 17. EMPLOYEES AND THE PERSONNEL BOARD

a. All employees covered by this Salary Administration Plan shall have the right to request an appointment to confer with the Personnel Board on any matter of interest or concern to them that is covered by the Salary Administration Plan. The employee shall notify the Department Head in writing in advance of the desire to discuss the matter with the Board. One of the duties of the Board shall be to foster mutual understanding and good will with the personnel of the Town.

b. To facilitate this, if any employee should feel aggrieved by the operation of any provision of the Plan, the employee shall first discuss the matter with the Department Head, in a mutual effort to clear up any problems or misunderstanding.

c. If two weeks after such a conference a satisfactory understanding and solution of the problem has not been reached, then either the Department Head or the employee may take the matter to the Personnel Board, and the Board shall hear the parties not later than at its next regular meeting. There shall be no discrimination or prejudice by a Department Head against any employee who may take a matter to the Board.

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SECTION 18. AMENDMENT OF THE PLAN

The Salary Administration Plan may be amended in the same manner that Town Bylaws may be amended. However, no amendment to the Plan shall be made until it has been presented to the Personnel Board and the Personnel Board has the opportunity to act on it. The Board of its own motion may propose an amendment to the Plan.

SECTION 19. SEVERABILITY PROVISION

In the event that any provision of this bylaw, or application thereof, shall be held to be invalid by the proper authorities, this shall not be construed to affect the validity of any other provision, or application thereof, of this bylaw.

SECTION 20: CLASSIFICATION SCHEDULE

*SCHEDULE A: GRADED POSITIONS*

Title	Grade
Library Page	1
Library Technician	1
Administrative Assistant	2
Library Assistant	2
Administrative Assistant	3
Police Dispatcher	3
Business Administrator I	4
Library Supervisor	4
Maintenance Technician	4
Assistant Town Accountant	5
Business Administrator II	5
Clinician**	5
EDC Coordinator	5
Executive Assistant to Select Board	5
Program Coordinator	5
Youth Services Librarian	5
Assistant Library Director	6
Assistant Director, Youth & Family Services	6
Deputy Assessor	6
Deputy Town Clerk	6
Deputy Treasurer/Collector	6
Electrician	6

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Local Inspector	6
Nurse	6
Outreach Coordinator	6
Police Business Administrator	6
Program Manager	6
Assistant Director/Nurse/Outreach	7
Conservation Agent	7
Recreation Director	7
Senior IT Specialist	7
Town Planner	7
Youth & Family Services Director	7
Assistant Town Administrator	8
Building Commissioner	8
Council on Aging Director	8
Director of Facilities	8
IT Manager	8
Library Director	8
Police Lieutenant	8
Principal Assessor*	8
Town Accountant	8
Finance Director/Treasurer-Collector*	9
Superintendent of Public Works*	9

\*when not under contract

\*\*effective March 26, 2023

**SCHEDULE A**

GRADE	MINIMUM	MID POINT	MAXIMUM
A-1	\$15.00	\$17.40	\$19.79
A-2	\$18.75	\$21.76	\$24.76
A-3	\$22.50	\$26.11	\$29.71
A-4	\$25.88	\$30.02	\$34.15
A-5	\$28.47	\$33.02	\$37.56
A-6	\$31.32	\$36.32	\$41.32
A-7	\$39.15	\$45.40	\$51.64
A-8	\$46.98	\$54.50	\$62.01
A-9	\$51.68	\$59.94	\$68.20

*Municipalities are subject to the federal minimum wage law, not the state law.*

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**SCHEDULE B: MISCELLANEOUS ANNUAL COMPENSATION SCHEDULE**

Cemetery Agent .....	\$8,000
Clerk, Board of Registrars .....	\$1,638.33
Emergency Management Coordinator .....	\$2,000
Energy Management Stipend .....	\$6,000
Registrar of Voters .....	\$205.66
Tree Warden .....	\$4,000
Veterans' Agent and Director of Veterans' Services.....	\$15,000

**SCHEDULE C: FEE BASED COMPENSATION (Recreation Seasonal Personnel)**

<b>Positions</b>
<b>Grade 1</b>
Camp Counselor
Program Aide (1:1)
Program Supervisor (i.e. RAP Monitor)
<b>Grade 2</b>
Camp Assistant Supervisor
<b>Grade 3</b>
Camp Supervisor
Assistant Coach
Head Coach
<b>Grade 4</b>
Program Instructor

Rates for Recreation Seasonal Personnel

Grade	Minimum		Midpoint		Maximum	
	Hourly	Annual	Hourly	Annual	Hourly	Annual
1	\$ 15.00	\$ 31,200.00	\$ 16.00	\$ 33,280.00	\$ 17.00	\$ 35,360.00
2	\$ 19.00	\$ 39,520.00	\$ 20.00	\$ 41,600.00	\$ 21.00	\$ 43,680.00
3	\$ 23.00	\$ 47,840.00	\$ 24.00	\$ 49,920.00	\$ 25.00	\$ 52,000.00
4	\$ 30.00	\$ 62,400.00	\$ 31.00	\$ 64,480.00	\$ 32.00	\$ 66,560.00

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SCHEDULE D: SPECIAL ADMINISTRATIVE AND SUPERVISORY POSITIONS

Police Lieutenant:

In addition to all the benefits provided employees under the SAP, he/she would be eligible for some additional benefits as provided members of Mass COP Local 167, the police union collective bargaining agreement.

As a result, a separate policy is adopted by the Southborough Select Board and enforced by the Southborough Police Department subject to change in conjunction with future collective bargaining agreements.

\*Increases in salary for long term employees will be considered case by case by Personnel Board.

SCHEDULE E: LONGEVITY SCHEDULE: Full-Time Employees of Town of Southborough –Compensated annually on the anniversary of the employee’s Start Date

After 5 years.....	\$400
After 10 years.....	\$600
After 15 years.....	\$700
After 20 years.....	\$850
After 25 years.....	\$1,000
After 30 years.....	\$1,200
After 40 years.....	\$1,500

, or do or act anything in relation thereto.

**Proposed by:** PERSONNEL BOARD

**Select Board Recommendation:** Support (Unanimous)

**Advisory Committee Recommendation:** Support (Unanimous)

**Summary:** *The Personnel By-Law governs policies and pay structures for non-union employees.*

**MOTION MADE:** I move the article as printed in the warrant.

**MOTION PASSED.**

**ARTICLE 5:** To see if the Town will vote to raise a sum of money as may be necessary for the Town’s use for Fiscal Year 2024, and make appropriations of the same, as detailed following, or do or act anything in relation thereto.

**SEE BUDGETS ON THE FOLLOWING PAGES.**

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100-199 GENERAL GOVERNMENT									
			FY2022	FY2023	FY2024	Percent	SB	ADV	
ACTUAL NAME			ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM	
114 MODERATOR									
51000-51990 Personal Services	50	50					50	50	100
52000-58990 Other Charges and Expenses	0	50					50	50	50
MODERATOR TOTAL			50	100	100	0 00%	100	100	100
121 ELECTED SELECT BOARD									
51000-51990 Personal Services	3,200	4,000					4,000	4,000	4,000
ELECTED SELECT BOARD TOTAL			3,200	4,000	4,000	0 00%	4,000	4,000	4,000
122 SELECT BOARD									
51000-51990 Personal Services	392,668	408,360					424,565	424,565	424,565
52000-58990 Other Charges and Expenses	42,162	50,947					57,698	57,698	57,698
SELECT BOARD TOTAL	434,830	459,307					482,263	482,263	482,263
131 ADVISORY COMMITTEE									
52000-58990 Other Charges and Expenses	4,075	3,500					5,250	5,250	5,250
ADVISORY COMMITTEE TOTAL	4,075	3,500					5,250	5,250	5,250
132 RESERVE FUND									
52000-58990 Other Charges and Expenses	93,981	180,000					180,000	180,000	180,000
RESERVE FUND TOTAL	93,981	180,000					180,000	180,000	180,000
135 TOWN ACCOUNTANT									
51000-51990 Personal Services	157,985	162,354					168,649	168,649	168,649
52000-58990 Other Charges and Expenses	2,429	2,915					3,515	3,515	3,515
TOWN ACCOUNTANT TOTAL	160,414	165,269					172,164	172,164	172,164
136 AUDIT									
52000-58990 Other Charges and Expenses	37,500	27,000					46,000	46,000	46,000
AUDIT TOTAL	37,500	27,000					46,000	46,000	46,000
140 ELECTED BOARD OF ASSESSORS									
51000-51990 Personal Services	2,250	2,250					2,250	2,250	2,250
ELECTED BOARD OF ASSESSORS TOTAL	2,250	2,250					2,250	2,250	2,250

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		FY2022	FY2023	FY2024	Percent	SB	ADV
ACTUAL NAME		ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
<b>141 ASSESSORS</b>							
51000-51990 Personal Services		187,282	197,721	205,166		205,166	205,166
52000-58990 Other Charges and Expenses		54,901	51,475	54,695		54,695	54,695
ASSESSORS TOTAL		242,183	249,196	259,861	4 28%	259,861	259,861
		FY2022	FY2023	FY2024	Percent	SB	ADV
ACTUAL NAME		ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
<b>145 TREASURER/COLLECTOR</b>							
51000-51990 Personal Services		226,366	232,703	247,604		247,604	247,604
52000-58990 Other Charges and Expenses		9,205	9,520	11,930		11,930	11,930
TREASURER/COLLECTOR TOTAL		235,571	242,223	259,534	7 15%	259,534	259,534
		FY2022	FY2023	FY2024	Percent	SB	ADV
ACTUAL NAME		ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
<b>151 LEGAL</b>							
52000-58990 Other Charges and Expenses		129,445	140,000	135,000		135,000	135,000
LEGAL TOTAL		129,445	140,000	135,000	-3 57%	135,000	135,000
<i>Legal budget (151) and Special Legal (153) are now combined in Legal budget (151)</i>							
		FY2022	FY2023	FY2024	Percent	SB	ADV
ACTUAL NAME		ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
<b>152 PERSONNEL BOARD</b>							
51000-51990 Personal Services		2,548	5,000	5,000		5,000	5,000
52000-58990 Other Charges and Expenses		10,000	12,350	9,875		9,875	9,875
PERSONNEL BOARD TOTAL		12,548	17,350	14,875	-14 27%	14,875	14,875
		FY2022	FY2023	FY2024	Percent	SB	ADV
ACTUAL NAME		ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
<b>153 SPECIAL LEGAL COUNSEL</b>							
52000-58990 Other Charges and Expenses		0	0	0		0	0
SPECIAL LEGAL COUNSEL TOTAL		0	0	0	0 00%	0	0
<i>Legal budget (151) and Special Legal (153) are now combined in Legal budget (151)</i>							
		FY2022	FY2023	FY2024	Percent	SB	ADV
ACTUAL NAME		ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
<b>154 MUNICIPAL TECHNOLOGY COMMITTEE</b>							
52000-58990 Other Charges and Expenses		384	1,500	1,500		1,500	1,500
MUNI TECHNOLOGY COMMITTEE TOTAL		384	1,500	1,500	0 00%	1,500	1,500
		FY2022	FY2023	FY2024	Percent	SB	ADV
ACTUAL NAME		ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
<b>155 TECHNOLOGY</b>							
51000-51990 Personal Services		111,502	187,884	189,181		189,181	189,181
52000-58990 Other Charges and Expenses		276,682	317,246	379,828		379,828	379,828
MANAGEMENT INFORMATION SYSTEMS TOTAL		388,183	505,130	569,009	12 65%	569,009	569,009
		FY2022	FY2023	FY2024	Percent	SB	ADV
ACTUAL NAME		ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
<b>159 OTHER OPERATION SUPPORT</b>							
52000-58990 Other Charges and Expenses		419,955	452,182	541,531		541,531	541,531
OTHER OPERATION SUPPORT TOTAL		419,955	452,182	541,531	19 76%	541,531	541,531



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		FY2022	FY2023	FY2024	Percent	SB	ADV
ACTUAL NAME		ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
<b>160 ELECTED TOWN CLERK</b>							
51000-51990 Personal Services		90,152	92,856	96,570		96,750	96,570
TOWN CLERK TOTAL		90,152	92,856	96,570	4 00%	96,750	96,570
		FY2022	FY2023	FY2024	Percent	SB	ADV
ACTUAL NAME		ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
<b>161 TOWN CLERK</b>							
51000-51990 Personal Services		105,308	149,553	139,365		139,365	139,365
52000-58990 Other Charges and Expenses		56,029	60,026	84,932		84,932	84,932
TOWN CLERK TOTAL		161,338	209,579	224,297	7 02%	224,297	224,297
		FY2022	FY2023	FY2024	Percent	SB	ADV
ACTUAL NAME		ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
<b>171 CONSERVATION COMMISSION</b>							
51000-51990 Personal Services		72,300	89,134	97,407		97,407	97,407
52000-58990 Other Charges and Expenses		32,922	36,265	41,420		41,420	41,420
CONSERVATION COMMISSION TOTAL		105,222	125,399	138,827	10 71%	138,827	138,827
		FY2022	FY2023	FY2024	Percent	SB	ADV
ACTUAL NAME		ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
<b>175 PLANNING BOARD</b>							
51000-51990 Personal Services		144,337	154,970	160,851		160,851	160,851
52000-58990 Other Charges and Expenses		29,324	27,660	27,060		27,060	27,060
PLANNING BOARD TOTAL		173,660	182,630	187,911	2 89%	187,911	187,911
		FY2022	FY2023	FY2024	Percent	SB	ADV
ACTUAL NAME		ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
<b>176 ZONING BOARD OF APPEALS</b>							
51000-51990 Personal Services		12,328	9,275	11,146		11,146	11,146
52000-58990 Other Charges and Expenses		549	4,000	1,750		1,750	1,750
ZONING BOARD OF APPEALS TOTAL		12,877	13,275	12,896	-2 85%	12,896	12,896
		FY2022	FY2023	FY2024	Percent	SB	ADV
ACTUAL NAME		ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
<b>177 OPEN SPACE</b>							
52000-58990 Other Charges and Expenses		1,429	2,000	5,000		5,000	5,000
OPEN SPACE TOTAL		1,429	2,000	5,000	150 00%	5,000	5,000
		FY2022	FY2023	FY2024	Percent	SB	ADV
ACTUAL NAME		ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
<b>182 ECONOMIC DEVELOPMENT COMMITTEE</b>							
51000-51990 Personal Services		24,856	28,238	28,240		28,240	28,240
52000-58990 Other Charges and Expenses		5,122	14,700	13,341		13,341	13,341
ECONOMIC DEVELOPMENT COMMITTEE TOTAL		29,978	42,938	41,581	-3 16%	41,581	41,581

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		FY2022	FY2023	FY2024	Percent	SB	ADV
ACTUAL NAME		ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
<b>192 PUBLIC BUILDINGS AND PROPERTIES MAINTENANCE</b>							
51000-51990 Personal Services		379,690	389,369	412,873		412,873	412,873
52000-58990 Other Charges and Expenses		203,743	211,840	247,235		247,235	247,235
PUBLIC BLDGS & PROPERTY MAINT TOTAL		583,433	601,209	660,108	9 80%	660,108	660,108
		FY2022	FY2023	FY2024	Percent	SB	ADV
ACTUAL NAME		ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
<b>193 PUBLIC ACCESSIBILITY COMMITTEE</b>							
51000-51990 Personal Services		0	0	0		0	0
52000-58990 Other Charges and Expenses		1,000	2,500	2,500		2,500	2,500
PUBLIC ACCESSIBILITY COMMITTEE		1,000	2,500	2,500	0 00%	2,500	2,500
<b>200-299 PUBLIC SAFETY</b>							
		FY2022	FY2023	FY2024	Percent	SB	ADV
ACTUAL NAME		ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
<b>210 POLICE DEPARTMENT</b>							
51000-51990 Personal Services		2,333,966	2,449,770	2,655,397		2,655,397	2,655,397
52000-58990 Other Charges and Expenses		151,465	148,541	162,740		162,740	162,740
POLICE DEPARTMENT TOTAL		2,485,431	2,598,311	2,818,137	8 46%	2,818,137	2,818,137
		FY2022	FY2023	FY2024	Percent	SB	ADV
ACTUAL NAME		ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
<b>220 FIRE DEPARTMENT</b>							
51000-51990 Personal Services		2,130,703	2,150,445	2,243,435		2,243,435	2,243,435
52000-58990 Other Charges and Expenses		265,976	273,459	295,305		295,305	295,305
FIRE DEPARTMENT TOTAL		2,396,679	2,423,904	2,538,740	4 74%	2,538,740	2,538,740
		FY2022	FY2023	FY2024	Percent	SB	ADV
ACTUAL NAME		ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
<b>241 BUILDING DEPARTMENT</b>							
51000-51990 Personal Services		153,542	157,759	164,873		164,873	164,873
52000-58990 Other Charges and Expenses		9,374	12,500	14,200		14,200	14,200
BUILDING DEPARTMENT TOTAL		162,916	170,259	179,073	5 18%	179,073	179,073
		FY2022	FY2023	FY2024	Percent	SB	ADV
ACTUAL NAME		ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
<b>291 CIVIL DEFENSE</b>							
51000-51990 Personal Services		2,926	4,000	7,000		7,000	7,000
52000-58990 Other Charges and Expenses		6,902	7,225	7,560		7,560	7,560
CIVIL DEFENSE TOTAL		9,828	11,225	14,560	29 71%	14,560	14,560
		FY2022	FY2023	FY2024	Percent	SB	ADV
ACTUAL NAME		ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
<b>292 ANIMAL CONTROL OFFICER AND ANIMAL INSPECTOR</b>							
52000-58990 Other Charges and Expenses		27,598	29,052	30,359		30,359	30,359
ANIMAL CONTROL OFF & ANIMAL INSP TOTAL		27,598	29,052	30,359	4 50%	30,359	30,359

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		FY2022	FY2023	FY2024	Percent	SB	ADV
ACTUAL NAME		ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
<b>400, 420 DEPT. OF PUBLIC WORKS</b>							
(Highway, Cemetery, Tree)							
51000-51990 Personal Services		971,328	1,048,206	1,088,241		1,088,241	1,088,241
52000-58990 Other Charges and Expenses		1,487,760	1,514,550	1,617,950		1,617,950	1,617,950
DEPT OF PUBLIC WORKS TOTAL		2,459,088	2,562,756	2,706,191	5 60%	2,706,191	2,706,191
<b>500-599 HUMAN SERVICES</b>							
		FY2022	FY2023	FY2024	Percent	SB	ADV
ACTUAL NAME		ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
<b>510 ELECTED BOARD OF HEALTH</b>							
51000-51990 Personal Services		0	450	450		450	450
ELECTED BOARD OF HEALTH TOTAL		0	450	450	0 00%	450	450
		FY2022	FY2023	FY2024	Percent	SB	ADV
ACTUAL NAME		ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
<b>512 BOARD OF HEALTH</b>							
51000-51990 Personal Services		188,628	190,028	204,600		204,600	204,600
52000-58990 Other Charges and Expenses		69,809	70,624	70,624		70,624	70,624
BOARD OF HEALTH TOTAL		258,437	260,652	275,224	5 59%	275,224	275,224
		FY2022	FY2023	FY2024	Percent	SB	ADV
ACTUAL NAME		ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
<b>541 COUNCIL ON AGING</b>							
51000-51990 Personal Services		277,416	294,950	323,836		323,836	323,836
52000-58990 Other Charges and Expenses		59,719	60,475	64,655		64,655	64,655
COUNCIL ON AGING TOTAL		337,134	355,425	388,491	9 30%	388,491	388,491
		FY2022	FY2023	FY2024	Percent	SB	ADV
ACTUAL NAME		ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
<b>542 YOUTH COMMISSION</b>							
51000-51990 Personal Services		237,456	244,063	259,890		259,890	259,890
52000-58990 Other Charges and Expenses		11,196	18,000	23,596		23,596	23,596
YOUTH COMMISSION TOTAL		248,652	262,063	283,486	8 17%	283,486	283,486
		FY2022	FY2023	FY2024	Percent	SB	ADV
ACTUAL NAME		ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
<b>543 VETERANS' SERVICES</b>							
51000-51990 Personal Services		15,000	15,000	15,000		15,000	15,000
52000-58990 Other Charges and Expenses		9,521	20,735	20,600		20,600	20,600
VETERANS' SERVICES TOTAL		24,521	35,735	35,600	-0 38%	35,600	35,600
<b>600-699 CULTURE &amp; RECREATION</b>							
		FY2022	FY2023	FY2024	Percent	SB	ADV
ACTUAL NAME		ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
<b>610 LIBRARY</b>							
51000-51990 Personal Services		413,781	445,043	477,540		477,540	477,540
52000-58990 Other Charges and Expenses		137,119	142,645	146,907		146,907	146,907
LIBRARY TOTAL		550,899	587,688	624,447	6 25%	624,447	624,447

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		FY2022	FY2023	FY2024	Percent	SB	ADV
ACTUAL NAME		ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
<b>630 RECREATION COMMISSION</b>							
51000-51990 Personal Services		130,261	145,259	152,199		152,199	152,199
52000-58990 Other Charges and Expenses		10,258	14,069	14,069		14,069	14,069
RECREATION COMMISSION TOTAL		140,519	159,328	166,268	4 36%	166,268	166,268

		FY2022	FY2023	FY2024	Percent	SB	ADV
ACTUAL NAME		ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
<b>691 HISTORICAL COMMISSION</b>							
52000-58990 Other Charges and Expenses		1,900	1,000	1,000		1,000	1,000
HISTORICAL COMMISSION TOTAL		1,900	1,000	1,000	0 00%	1,000	1,000

		FY2022	FY2023	FY2024	Percent	SB	ADV
ACTUAL NAME		ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
<b>692 MEMORIAL DAY</b>							
52000-58990 Other Charges and Expenses		3,098	3,350	3,350		3,350	3,350
MEMORIAL DAY TOTAL		3,098	3,350	3,350	0 00%	3,350	3,350

**700-799 DEBT SERVICE**

		FY2022	FY2023	FY2024	Percent	SB	ADV
ACTUAL NAME		ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
<b>DEBT PRINCIPAL AND DEBT INTEREST</b>							
0100-710-59100 Principal General Fund		2,391,470	2,230,097	1,015,116		1,015,116	1,015,116
0100-751-59150 Interest General Fund		923,659	851,376	866,929		866,929	866,929
0100-751-57880 Bond Disclosure		2,000	2,500	2,550		2,550	2,550
DEBT PRINCIPAL AND DEBT INTEREST TOTAL		3,317,129	3,083,973	1,884,595	-38 89%	1,884,595	1,884,595

**900-999 UNCLASSIFIED**

		FY2022	FY2023	FY2024	Percent	SB	ADV
ACTUAL NAME		ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
<b>910 EMPLOYEE BENEFITS</b>							
51700 Police/Fire Accident and Workers' Comp		286,440	302,585	326,783		326,783	326,783
51710 Unemployment Payments		23,677	30,000	30,000		30,000	30,000
51720 Health Insurance		5,169,479	5,306,355	5,570,300		5,570,300	5,570,300
51730 Retirement Fund		2,321,536	2,558,310	2,808,872		2,808,872	2,808,872
51740 Life Insurance		5,378	5,220	5,311		5,311	5,311
51750 Flexible Spending Account		6,845	7,250	7,250		7,250	7,250
51770 Medicare		377,294	396,963	406,621		406,621	406,621
51780 Dental Insurance		248,423	246,302	261,662		261,662	261,662
51785 Medicare B Penalty		17,206	16,500	17,250		17,250	17,250
59660 Transfer to OPEB Trust		0	0	0		0	0
EMPLOYEE BENEFITS TOTAL		8,456,279	8,869,485	9,434,049	6 37%	9,434,049	9,434,049

		FY2022	FY2023	FY2024	Percent	SB	ADV
ACTUAL NAME		ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
<b>941 COURT JUDGMENTS</b>							
57600 Court Judgments		230,681	232,500	0	-100 00%	0	0
COURT JUDGMENTS TOTAL		230,681	232,500	0	-100 00%	0	0

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ACTUAL NAME		ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
<b>945 LIABILITY INSURANCE</b>							
52000-58990 Other Charges and Expenses		303,794	334,734	384,426		384,426	384,426
LIABILITY INSURANCE TOTAL		303,794	334,734	384,426	14 85%	384,426	384,426
<b>300-399 EDUCATION</b>							
		FY2022	FY2023	FY2024	Percent	SB	ADV
ACTUAL NAME		ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
<b>300 ELECTED SCHOOL COMMITTEE</b>							
51000-51990 Personal Services		100	500	500		500	500
ELECTED SCHOOL COMMITTEE TOTAL		100	500	500	0 00%	500	500
<b>301 SOUTHBOROUGH SCHOOLS</b>							
<b>REGULAR DAY PROGRAMS</b>							
Administration		719,453	638,555	647,536		647,536	647,536
Instruction		11,987,962	12,223,764	12,096,032		12,096,032	12,096,032
Other Student Services		868,543	884,217	902,088		902,088	902,088
Operation and Maintenance Buildings		1,692,794	1,904,485	1,869,135		1,869,135	1,869,135
Fixed Charges		2,150	300	300		300	300
Contractual Obligation		0	0	796,772		796,772	796,772
REGULAR DAY PROGRAMS TOTAL		15,270,902	15,651,321	16,311,863		16,311,863	16,311,863
<b>SPECIAL EDUCATION PROGRAMS</b>							
Administration		18,500	19,000	22,700		22,700	22,700
Instruction		5,028,610	5,556,661	5,511,233		5,511,233	5,511,233
Other Student Services		506,000	508,223	661,313		661,313	661,313
Operation and Maintenance Buildings		4,000	4,000	4,000		4,000	4,000
Fixed Charges		0	2,775	2,775		2,775	2,775
Programs, Other Systems in Massachusetts		818,362	467,630	375,646		375,646	375,646
Programs, Member of Collaborative		88,060	73,833	174,888		174,888	174,888
SPECIAL EDUCATION TOTAL		6,463,532	6,632,122	6,752,555		6,752,555	6,752,555
<b>GRAND TOTAL OPERATING ACTUAL</b>		<b>21,734,434</b>	<b>22,283,443</b>	<b>23,064,418</b>	<b>3 50%</b>	<b>23,064,418</b>	<b>23,064,418</b>

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ACTUAL NAME		ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
<b>302 ALGONQUIN REGIONAL HIGH SCHOOL</b>							
<b>REGULAR DAY PROGRAMS</b>							
Administration		788,415	712,689	717,195		717,195	717,195
Instruction		11,871,456	12,174,498	12,117,922		12,117,922	12,117,922
Other Student Services		2,034,337	2,187,175	2,218,446		2,218,446	2,218,446
Operation and Maintenance Buildings		1,814,368	1,988,471	2,161,116		2,161,116	2,161,116
Fixed Charges		4,274,119	4,367,478	4,825,018		4,825,018	4,825,018
New Equipment		0	0	0		0	0
Tuition, Other Public Schools		240,000	200,000	200,000		200,000	200,000
Contractual Obligation		0	0	574,602		574,602	574,602
REGULAR DAY PROGRAMS TOTAL		21,022,695	21,630,311	22,814,299		22,814,299	22,814,299
<b>SPECIAL EDUCATION PROGRAMS</b>							
Administration		18,600	19,000	15,000		15,000	15,000
Instruction		2,852,854	2,968,858	3,017,142		3,017,142	3,017,142
Other Student Services		260,280	334,767	483,508		483,508	483,508
Operation and Maintenance Buildings		2,000	2,100	2,100		2,100	2,100
Fixed Charges		1,595	1,595	1,595		1,595	1,595
Programs, Other Systems in Massachusetts		813,679	485,237	41,470		41,470	41,470
Programs, Member of Collaborative		5,000	285,213	215,232		215,232	215,232
SPECIAL EDUCATION TOTAL		3,954,008	4,096,770	3,776,047		3,776,047	3,776,047
GRAND TOTAL OPERATING ACTUAL		24,976,703	25,727,081	26,590,346	3 36%	26,590,346	26,590,346

					Percent		
		NON EXEMPT	EXEMPT	TOTAL	Inc./Decr.		
FY 2024 SOUTHBOROUGH ASSESSMENT		8,508,457	393,796	8,902,253	3 98%		

		FY2022	FY2023	FY2024	Percent	SB	ADV
ACTUAL NAME		ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
<b>304 ASSABET VALLEY REGIONAL TECH HIGH SCHOOL</b>							
Southborough Operating Assessment		400,969	386,629	403,066		403,066	403,066
Renovation Project - Capital Assessment		35,381	34,369	33,357		33,357	33,357
SOUTHBOROUGH ASSESSMENT		436,350	420,998	436,423	3 66%	436,423	436,423

		FY2022	FY2023	FY2024	Percent	SB	ADV
ACTUAL NAME		ACTUAL	BUDGET	REQUEST	Inc./Decr.	RECOMM	RECOMM
<b>305 NORFOLK COUNTY AGRICULTURAL HIGH SCHOOL</b>							
Tuition/Transportation Assessment		37,960	44,875	44,875		44,875	44,875
NORFOLK COUNTY AGRICULTURAL HIGH SCHOOL TOTAL		37,960	44,875	44,875	0 00%	44,875	44,875

**Proposed by:** SELECT BOARD

**Select Board Recommendation:** Support (Unanimous)

**Advisory Committee Recommendation:** Support (Unanimous)

**Summary:** The article includes recommendations from both the Select Board and the Advisory Committee for the FY24 budget. Funding recommendations are noted in the individual recommendation columns for each department.

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**MOTION MADE:** I move that the Town vote to raise and appropriate and transfer, the sum of \$58,259,942 as may be necessary to fund the Town's operating budget, as follows:

Transfer from the Cemetery Perpetual care	\$ 25,000.00
Transfer from Free Cash	\$ 1,602,386.00
Transfer from Overlay Reserve	\$ 275,000.00
Transfer from Ambulance Fund, Receipts Reserved	\$ 290,000.00
Transfer from Septic Betterment Fund	\$ 30,097.00
Transfer from Water Enterprise Fund	\$ 249,770.00

And that the Balance of \$55,787,689 be raised and appropriated.

The Moderator read each budget number and asked the hall to identify any budget that should be held. These budgets were held: 151 Legal, 153 Special Counsel, 159 Other Operations Support, 210 Police Department, 220 Fire Department, 400-420 Department of Public Works.

**MOTION:** To pass all non-held budgets passed.

**MOTION:** To pass budgets 151 Legal and 153 Special Counsel passed.

**MOTION:** To pass budget 159 Other Operations Support passed.

**MOTION:** To pass budget 210 Police Department passed.

**MOTION:** To pass budget 220 Fire Department passed.

**AMENDMENT MADE:** To increase the DPW budget by \$24,000 to allow for the purchase and installation of 3 radar driver feedback signs on Parkerville Rd. north.

**AMENDMENT FAILED.**

**MOTION TO PASS BUDGET** 400-420 Department of Public Works passed.

**ARTICLE 6:** To see if the Town will vote to raise a sum of money as may be necessary for the Water Enterprise Fund's use for Fiscal Year 2024, and make appropriations of the same, as detailed following, or do or act anything in relation thereto.

BUDGET NAME	FY 2022	FY 2023	FY2024	PERCENT
WATER - PUBLIC WORKS	ACTUAL	BUDGET	REQUEST	(+) or (-)
51000-51990 Total Personal Services	319,953	387,136	399,116	
52000-58990 Other Charge & Expense	1,705,388	1,425,664	1,660,150	
59100 Principal Long Term Debt Water	344,408	345,000	342,000	
59150 Interest Long Term Debt Water	111,526	97,890	82,515	
59250 Interest on Notes	0	10,027	35,819	
59510 Indirect Costs	204,695	216,133	249,770	
<b>CAPITAL EQUIPMENT - LEASE</b>				
DPW Diesel Year 2 OF 7	10,622	10,622	10,622	
DPW Hook Truck Year 2 OF 7	9,103	9,264	9,105	
<b>CAPITAL EQUIPMENT</b>				
Mini Excavator- Water Portion	0	20,000		
Pickup Truck- Water Portion			15,000	
<b>TOTAL WATER FUND</b>	2,705,695	2,521,736	2,804,097	11.20%

**Proposed by:** SELECT BOARD

**Select Board Recommendation:** Support (Unanimous)

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**Advisory Committee Recommendation: Support** (Unanimous)

**Summary:** *The Water budget is funded through an Enterprise Fund that is supported entirely through the water rates and the fund's retained earnings, which supports all aspects of the department's operation. The funding for those capital items that are being leased/purchased for use by the Water Department, in whole or in part, are included in this budget.*

**MOTION MADE:** I move that the Town vote to raise and appropriate and transfer, the sum of \$2,804,097 as may be necessary to fund the Water Enterprise Fund budget, as follows:

Transfer from Water Retained Earnings \$ 250,000.00, and that the Balance of \$2,554,097 be raised by water rates.

**MOTION PASSED.**

**ARTICLE 7:** To see if the Town will vote to raise and appropriate, or transfer from available funds a sum of money for General Government capital items for the following purposes:

	Description	Request	Levy	Receipts Reserved Ambulance/Other
A.	Road Maintenance	\$400,000	\$400,000	
B.	Sidewalk Maintenance	\$ 50,000	\$ 50,000	
C.	Library – Security Cameras	\$ 15,000	\$ 15,000	
D.	Police Cruisers	\$148,000	\$148,000	
E.	Fire – Durable Medical Equipment	\$ 20,000		\$ 20,000
F.	Fire – Ambulance Power Stretcher (Ambulance 1)	\$ 55,000		\$ 55,000
G.	Fire – PPE	\$ 20,000		\$ 20,000

, or do or act anything in relation thereto.

**Proposed by:** SELECT BOARD

**Select Board Recommendation:** Support (Unanimous)

**Advisory Committee Recommendation:** Support (Unanimous)

**Summary:**

A. *These funds are for public roadway and related maintenance, repair and construction throughout town. These are expended in conjunction with Chapter 90 roadway improvement funding from the Commonwealth. Prior to committing any FY24 Road Maintenance Funds, a formal plan for the anticipated use of these funds shall be presented to the Capital Planning Committee in a posted public meeting. The Capital Planning Committee should then send any final recommendations or comments related to the Select Board for their final vote and appropriation.*

B. *These funds are exclusively for the repair and maintenance of existing sidewalks in Town.*

C. *Funding for this project is being requested because the Library has expressed concern about the ability to monitor who is entering and exiting the Library building. The installation of security cameras would allow for the video-only recording of who is coming and going to and from the Library, should such information ever be needed for some type of investigation.*

D. *This funds the planned replacement of two front-line cruisers with two hybrid utility vehicles. This is a scheduled rotation that would move the older cruisers with higher mileage out of the active rotation of front-line cars to detail vehicles. The new hybrid vehicles would replace 2 front line cruisers, a 2018 Ford Explorer with approx. 90,000 miles and a 2017 Ford Explorer with approx. 100,000 miles.*



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E. *This project is the required replacement of durable medical equipment and devices carried on department ambulances and fire apparatus. Durable medical equipment is considered items used in the treatment and transport of patients that is used repeatedly.*

F. *This project is the scheduled replacement of one (1) of two (2) ambulance cots (stretchers) that were originally funded through a grant. The project will look to purchase one (1) Stryker battery-powered hydraulic cot and required equipment.*

G. *This project is the on-going, scheduled replacement and upgrade of our structural firefighting ensemble inventory in accordance with required National Fire Protection Association (NFPA) Standards. Structural fire fighters' protective clothing (PPE) is designed to protect members from the thermal environments experienced during firefighting as well as from chemicals, bloodborne exposure and incidents that cause soft tissue injuries.*

**MOTION MADE:** I move Article 7 as printed in the warrant to fund:

- Road Maintenance at a levy of \$400,000
- Sidewalk Maintenance at a levy of \$50,000
- Library Security Cameras at a levy of \$15,000
- 2 Police Cruisers at a levy of \$148,000
- Durable Medical Equipment \$20,000 funded from the Ambulance Fund
- Ambulance Power Stretcher \$55,000 funded from the Ambulance Fund
- Fire PPE for \$20,000, out of the Ambulance Fund

**MOTION PASSED UNANIMOUSLY**

**ARTICLE 8:** To see if the Town will vote to appropriate \$488,000, to be expended with the approval of the Select Board, to pay costs of purchasing radios for the use of the Police and Fire Departments, including the payment of all costs incidental and related thereto; to determine whether this amount shall be raised by taxation, transfer from available funds, borrowing or otherwise provided, or do or act anything in relation thereto.

**Proposed by:** SELECT BOARD

**Select Board Recommendation:** Support (Unanimous)

**Advisory Committee Recommendation:** Support (Unanimous)

**Summary:** *This project will fund the purchase of twenty-eight (28) for the Fire Department and twenty-four (24) units for the Police Department. All Band portable radio with related equipment. All radios will be programmed with the Massachusetts Tactical Channel Plan (MTCP). Initial and future programming, annual maintenance and testing, and repair will be the responsibility of the departments. By proceeding as a bulk purchase this will allow the Town to realize a 5% discount on the total cost.*

**MOTION MADE:** That the Town appropriate \$488,000, to be expended with the approval of the Select Board, to pay costs of purchasing radios for the use of the Police and Fire Departments, including the payment of all costs incidental and related thereto; and that to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow said amount pursuant to G.L. c. 44, §7(1) or any other enabling authority, and to issue bonds and notes of the Town therefor.

**MOTION PASSED BY MODERATOR DECLARED 2/3 MAJORITY.**

**ARTICLE 9:** To see if the Town will vote to appropriate \$2,200,000, to be expended with the approval of the Select Board, to pay costs of remediating pollution at the Breakneck Hill dumpsite, as required by an administrative consent order between the Town and the Department of Environmental Protection, including the payment of all costs incidental and related thereto; to determine whether this amount shall be raised by taxation, transfer from available funds, borrowing or otherwise provided, or do or act anything in relation thereto.

**Proposed by:** SELECT BOARD

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**Select Board Recommendation:** Support (Unanimous)

**Advisory Committee Recommendation:** Support (Unanimous)

**Summary:** *The Town has entered into an Administrative Consent Order (ACO) with the Department of Environmental Protection (DEP) for the removal of an area filled with solid waste located on Breakneck Hill Conservation Land. This 'farm dump' was deposited by the previous owner prior to the town's ownership of the property. Historical testing has demonstrated that the area has not posed a public health risk, but current Solid Waste Regulations require the removal of said material for continued protection of human and ecological health and safety. The Town is legally obligated under the ACO to conduct site assessment and cleanup activities within this portion of the site.*

**MOTION MADE:** I move that the Town appropriates \$2,200,000, to be spent with the approval of the Select Board, to pay costs of remediating pollution at the Breakneck Hill dumpsite, as required by an Administrative Consent Order between the Town and the Department of Environmental Protection, including the payment of all costs incidental and related thereto, to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow said amount pursuant to G.L. c. 44, §8(20) or any other enabling authority, and to issue bonds and notes of the Town therefor.

**MOTION PASSED BY MODERATOR DECLARED 2/3 MAJORITY.**

**ARTICLE 10:** To see if the Town will vote to appropriate a sum of money for the payments of the capital lease agreements as described below:

	Equipment	Authorized Department	Source of Appropriation	FY24 Amount
A.	1 - Horton Type Ambulance	Fire Department	FY24 Capital Budget - Ambulance Fund	\$57,191
B.	1 - Swaploader Hook Lift Truck	Dept. of Public Works	FY24 Capital Budget - General Fund	\$25,037
C.	1 - Pick Up Diesel F-350	Dept. of Public Works	FY24 Capital Budget - General Fund	\$10,622
D.	1 - Fire Dept Chief Vehicle	Fire Department	FY24 Capital Budget - Ambulance Fund	\$8,422

, or do or act anything in relation thereto.

**Proposed by:** SELECT BOARD

**Select Board Recommendation:** Support (Unanimous)

**Advisory Committee Recommendation:** Support (Unanimous)

**Summary:** *The lease agreements for these vehicles were authorized by Town Meeting in 2021, and these are the third year of the lease payments. With the exception of the Fire Ambulance (5-year lease), all of the leases are for 7 years.*

**MOTION PASSED AS PART OF THE MODERATOR'S CONSENT LIST.**

**ARTICLE 11:** To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$25,000 for the purpose of hiring consultants, engineers, water quality specialists, and/or environmental consultants by various Town departments, or do or act anything in relation thereto.

**Proposed by:** SELECT BOARD

**Select Board Recommendation:** Support (Unanimous)

**Advisory Committee Recommendation:** Support (Unanimous)

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**Summary:** *This article allows town departments, with the approval of the Select Board, to hire outside expertise when the need arises.*

**MOTION MADE:** I move that the Town vote to raise and appropriate the sum of \$25,000 for the purpose of hiring consultants, engineers, water quality specialists and/or environmental consultants by various Town departments.

**MOTION PASSED.**

**ARTICLE 12:** To see if the Town will vote to authorize the Select Board to enter into the two following transactions, with each such transaction to be considered separately:

1. To convey a portion of land that is a portion of St. Mark's Street, as shown on plans on file with the Town Clerk, and to authorize the Select Board to enter into agreements for the conveyance of such land, on such terms as the Select Board shall determine;
2. To acquire and accept a parcel of land from The Trustees and St. Mark's School of Southborough, Inc., said transactions to facilitate the reorientation of St. Mark's Street as well as the development of a park, as shown on plans on file with the Town Clerk, and to authorize the Select Board to enter into agreements for the acquisition of such land, on such terms as the Select Board shall determine;

And further to see if the Town will vote to discontinue the above-described portion of St Mark's Street as a public way, or do or act anything in relation thereto.

**Proposed by:** SELECT BOARD

**Select Board Recommendation:** Support (Unanimous)

**Advisory Committee Recommendation:** Support (Unanimous)

**Summary:** *This article will authorize the Select Board to dispose of town-owned land along with the acquisition of land owned by St. Mark's School which will result in the Town owning a larger parcel that is contiguous with the parcel the Town Library is located on.*

**The Moderator divided the question into three motions:**

**MOTION 12-1:** I move that the Town convey a portion of land that is a portion of St. Mark's Street, as shown on plans on file with the Town Clerk, and to authorize the Select Board to enter into agreements for the conveyance of such land, on such terms as the Select Board shall determine;

**MOTION MADE TO MOVE THE QUESTION PASSED.**

**MOTION 12-1 PASSED BY MODERATOR DECLARED 2/3 MAJORITY.**

**MOTION 12-2:** I move that the Town acquire and accept a parcel of land from The Trustees and St. Mark's School of Southborough, Inc., said transactions to facilitate the reorientation of St. Mark's Street as well as the development of a park, as shown on plans on file with the Town Clerk, and to authorize the Select Board to enter into agreements for the acquisition of such land, on such terms as the Select Board shall determine;

**MOTION MADE TO MOVE THE QUESTION PASSED.**

**MOTION 12-2 PASSED BY MODERATOR DECLARED 2/3 MAJORITY.**

**MOTION 12-3:** I move that the Town vote to discontinue the above-described portion of St Mark's Street as a public way.

**AMENDMENT MADE:** To strike "And further to see if the Town will vote to discontinue the above-described portion of St Mark's Street as a public way."

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**MOTION TO MOVE THE QUESTION PASSED BY MODERATOR DECLARED 2/3 MAJORITY.  
AMENDMENT FAILED.  
MOTION TO MOVE THE QUESTION PASSED BY MODERATOR DECLARED 2/3 MAJORITY.  
MOTION 12-3 PASSED BY MODERATOR DECLARED 2/3 MAJORITY.**

**ARTICLE 13:** To see if the Town will vote to raise and appropriate or transfer from available funds an amount not to exceed \$250,000 for funding of the St. Mark's Street park, or do or act anything in relation thereto.

**Proposed by:** SELECT BOARD

**Select Board Recommendation:** Support (Unanimous)

**Advisory Committee Recommendation:** Support (Unanimous)

**Summary:** *This article will approve the funding of the pocket park planned for the land being swapped for in Article 12 and caps the expenditure for the park at \$250,000 to be funded out of Free Cash from the year ended June 30, 2022.*

**MOTION MADE:** I move that the Town vote to transfer from Free Cash the amount of \$250,000 for funding of the St. Mark's Street Park.

**MOTION PASSED.**

**ARTICLE 14:** To see if the Town will vote to appropriate \$246,418.51 from the CPA Fund FY2023 Budgeted Reserve for the Southborough portion of the rehabilitation of the Algonquin High School Tennis Courts. To be included are 7 tennis courts, 3 pickleball courts, and 1 basketball court for recreation purposes as requested by the Northborough-Southborough Regional School District. This consists of \$220,016.53 in project costs and an additional \$26,401.98 in contingency funding. Contingency funds only available after approval of the CPC for unexpected costs unforeseen at the time of application. Funding is contingent on Northborough funding their portion of the project, project start no later than June of 2025, or funds to be returned to the Southborough Community Preservation Fund Balance as directed by the Southborough CPC. Project to be completed in conformance with details as presented to the members of the CPC and to be documented in the application and signed Memorandum of Understanding. Said funds to be expended under the direction of the Town Treasurer/Collector; or do or act anything in relation thereto.

**Proposed by:** COMMUNITY PRESERVATION COMMITTEE

**Select Board Recommendation:** Support (Unanimous)

**Advisory Committee Recommendation:** Support (Unanimous)

**Summary:** *Under the direction of Gregory Martineau, Superintendent of Schools and Keith Lavoie, Assistant Superintendent of Operations of the Northborough Southborough Regional School District, said funds will be used for the rehabilitation of the existing 9 tennis courts located at Algonquin High School. The project will create 3 pickleball courts, 1 basketball court and 7 tennis courts. This Funding is Southborough's share of the joint Northborough-Southborough project per the Regional Agreement. Construction anticipated to begin in June 2023.*

**MOTION MADE:** To see if the Town will vote to appropriate \$246,418.51 from the CPA Fund FY2023 Budgeted Reserve for the Southborough portion of the rehabilitation of the Algonquin High School Tennis Courts. To be included are 7 tennis courts, 3 pickleball courts, and 1 basketball court for recreation purposes as requested by the Northborough-Southborough Regional School District. This consists of \$220,016.53 in project costs and an additional \$26,401.98 in contingency funding. Contingency funds only available after approval of the CPC for unexpected costs unforeseen at the time of application. Funding is contingent on Northborough funding their portion of the project, and project start no later than June of 2025, or funds to be returned to the Southborough Community Preservation Fund Balance as directed by the Southborough Community Preservation Committee. Project to be

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completed in conformance with details as presented to the members of the Community Preservation Committee and to be documented in the application and signed Memorandum of Understanding. Said funds to be expended under the direction of the Community Preservation Committee and the Town Treasurer/Collector; or do or act anything in relation thereto.

**MOTION PASSED.**

**ARTICLE 15:** To see if the Town will vote to approve the \$7,960,393 indebtedness authorized by the Regional District School Committee of the Northborough-Southborough Regional School District to pay costs of renovating and making extraordinary repairs and other improvements to the District's athletic facilities, including, but not limited to: replacing the current football field and junior varsity practice field with turf fields, replacing the existing track, replacing the existing tennis courts, replacing the existing bleachers and press box to ensure compliance with ADA requirements, construction of a new outdoor amphitheater, renovations to the amenities building, and for the payment of all costs incidental and related thereto; or do or act anything in relation thereto.

**Proposed by:** REGIONAL SCHOOL COMMITTEE

**Select Board Recommendation:** Support (Unanimous)

**Advisory Committee Recommendation:** Not Support (1-4-0)

**Summary:** *The purpose of this article is to approve or disapprove the issuance of debt by the Northborough-Southborough Regional School Committee for renovations of the existing stadium, multipurpose field, tennis courts, and amenities building. The project also includes the addition of an outdoor amphitheater. The renovation project will bring the athletic complex into compliance with ADA requirements and will provide safe, quality playing surfaces for student athletes and the communities of Northborough and Southborough.*

**MOTION MADE:** I move the article as printed in the warrant.

**MOTION PASSED.**

**MOTION TO TEMPORARILY ADJOURN THE ANNUAL TOWN MEETING UNTIL 7:00 PM ON MARCH 25, 2023, PASSED AT 4:58 PM.**

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The reconvened session of the Annual Town Meeting was duly called on Saturday March 25, 2023, at 7:00 PM and held in the auditorium of the Trottier Middle School, 49 Parkerville Road, Southborough, MA. Town Moderator Paul M. Cimino called the meeting to order at 7:15 PM and announced that a quorum of more than 100 voters was present. (250 voters were present.) The following Articles were voted on in a legal manner. (Articles 16 – 22 had been passed in the earlier session as part of the Moderator’s consent list so the first Article considered in this session was Article 23.)

**ARTICLE 16:** To see if the Town will vote to transfer the sum of \$99,008 from Free Cash for the purpose of paving Parkerville Road; or do or act anything in relation thereto.

**Proposed by:** SELECT BOARD

**Select Board Recommendation:** Support (Unanimous)

**Advisory Committee Recommendation:** Support (Unanimous)

**Summary:** *Eversource provided the Town the funds to do the paving as a result of some gas line improvements, as the Town could get better pricing through a larger bid for multiple street improvements. Unfortunately, the DOR views the Eversource funds as general receipts that must close out to Free Cash before they can be appropriated; this will not happen until after June 30, 2023, and the paving work will be done in the spring and summer of 2023. The Town’s Free Cash certified in FY2024 will be increased by the same amount being appropriated under this article.*

**MOTION PASSED AS PART OF THE MODERATOR’S CONSENT LIST.**

**ARTICLE 17:** To see if the Town will vote to raise and appropriate or transfer from available funds, the sum of \$250,000 into the Other Post-Employment Benefits Liability Trust Fund (OPEB Fund) as authorized by General Laws, Chapter 32B, Section 20, in order to offset the anticipated future cost of providing post-retirement health and life insurance benefits to current and future retired Town employees, or do or act anything in relation thereto.

**Proposed by:** SELECT BOARD

**Select Board Recommendation:** Support (Unanimous)

**Advisory Committee Recommendation:** **Support** (Unanimous)

**Summary:** *This is an annual appropriation into the Town’s OPEB Trust Fund that began back in 2014. The appropriation was previously done as part of the operating budget, but further guidance from the Dept. of Revenue has recommended that it be done in a separate article.*

**MOTION PASSED AS PART OF THE MODERATOR’S CONSENT LIST.**

**ARTICLE 18:** To see if the Town will vote to raise and appropriate the sum of \$10,000 for the purpose of paying the Town’s share of casualty and other losses incurred to Town property and equipment which are not covered by insurance policies, or do or act anything in relation thereto.

**Proposed by:** SELECT BOARD

**Select Board Recommendation:** **Support** (Unanimous)

**Advisory Committee Recommendation:** Support (Unanimous)

**Summary:** *This article will provide funds to be used to pay the deductible for property damage which is not covered by insurance.*

**MOTION PASSED AS PART OF THE MODERATOR’S CONSENT LIST.**

**ARTICLE 19:** To see if the Town will vote to raise and appropriate or transfer from any available funds the sum of \$28,000 for the purpose of paying to retirees the amount due for accrued vacation and sick time, or do or act anything in relation thereto.

**Proposed by:** SELECT BOARD

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**Select Board Recommendation: Support** (Unanimous)

**Advisory Committee Recommendation: Support** (Unanimous)

**Summary:** *This article will fund any vacation and sick pay due to employees upon their retirement.*

**MOTION PASSED AS PART OF THE MODERATOR'S CONSENT LIST.**

**ARTICLE 20:** To see if the Town will vote to raise and appropriate, or transfer from available funds the sum of \$100,000 for the ongoing maintenance of capital equipment and systems associated with town buildings and facilities. The Town Facilities Manager shall recommend appropriate projects to the Town Administrator. The Town Administrator shall approve all expenditures under this article. The Town Facilities Manager shall report all funded projects to the Capital Improvement and Planning Committee as requested, or do or act anything in relation thereto.

**Proposed by:** SELECT BOARD

**Select Board Recommendation:** Support (Unanimous)

**Advisory Committee Recommendation:** Support (Unanimous)

**Summary:** *This article will provide for the maintenance and repair of capital equipment and systems associated with the Town's buildings and facilities.*

**MOTION PASSED AS PART OF THE MODERATOR'S CONSENT LIST.**

**ARTICLE 21:** To see if the Town will vote pursuant to Massachusetts General Laws, Chapter 44 § 53E ½ to authorize the following spending limits for Fiscal Year 2024:

1. Immunization/Emergency Dispensing Clinic; \$15,000.
2. Inspectional Services; \$140,000.
3. 9-11 Field Maintenance; \$100,000.
4. Wetland Protection; \$30,000.
5. Hazardous Materials; \$75,000.
6. CPR Classes; \$6,500.
7. Community Garden; \$3,000.
8. Recreation Programs; \$500,000.
9. Tobacco Control Program; \$4,000.
10. Golf Course Maintenance; \$75,000.

, or do or act anything in relation thereto.

**Proposed by:** BOARD OF HEALTH, SELECT BOARD, RECREATION COMMISSION, AND CONSERVATION COMMISSION

**Select Board Recommendation:** Support (Unanimous)

**Advisory Committee Recommendation:** Support (Unanimous)

**Summary:** *This article approves the annual spending limits for revolving funds that are now authorized by Town by-law.*

**MOTION PASSED AS PART OF THE MODERATOR'S CONSENT LIST.**

**ARTICLE 22:** To see if the Town will vote to accept the report of the Community Preservation Committee for the FY 2024 Community Preservation Projected Receipts and act upon the recommendations of the Community Preservation Committee and to set aside for later expenditure, certain sums of money from the Community Preservation Fund established pursuant to Chapter 44B of the General Laws, as follows:

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Estimated Surcharge Receipts (based on Town Treasurer's projections) .....	\$429,329
State Match (projected FY2024 State Match) .....	\$ 82,561
FY23 State Match Adjustment.....	\$ 16,922
Total Projected Revenue.....	\$528,812

**Set Aside- Open Space**

\$52,881 to be set aside, held in the Community Preservation Fund, and spent in FY2024 or later years for acquisition, creation, or preservation of open space, and for the rehabilitation and/or restoration of open space acquired under the Community Preservation Act.

**Set Aside – Historic Preservation**

\$52,881 to be set aside, held in the Community Preservation Fund, and spent in FY2024 or later years for the acquisition, preservation, rehabilitation, and restoration of historic resources.

**Set Aside – Community Housing**

\$52,881 to be set aside, held in the Community Preservation Fund, and spent in FY2024 or later years for the creation, preservation, and support of community housing, and for the rehabilitation and/or restoration of community housing acquired under the Community Preservation Act.

**Administrative Costs – Community Preservation Committee**

\$26,441 to defray the administrative and operating expenses of the Community Preservation Committee in FY2024 for the Community Preservation Fund

**Set Aside - Budgeted Reserve/Discretionary**

\$ 343,728 Reserved for FY24 CPF (Budgeted Reserve/Discretionary)

, or do or act anything in relation thereto.

**Proposed by:** COMMUNITY PRESERVATION COMMITTEE

**Select Board Recommendation:** Support (Unanimous)

**Advisory Committee Recommendation:** Support (Unanimous)

**Summary:** *The budget and set-asides are an annual requirement under the Community Preservation Act.*

**MOTION PASSED AS PART OF THE MODERATOR'S CONSENT LIST.**

**ARTICLE 23:** To see if the Town will vote to appropriate \$77,937.50 to be applied towards the bond for the Perpetual Preservation Restriction on 84 Main Street also known as the Burnett House for the purpose of Historic Preservation. \$52,881.00 from the CPA Historic Preservation Reserve Fund FY2024 and \$25,056.50 from the CPA FY2023 Fund Balance. Said funds to be expended under the direction of the Town Treasurer; or do or act anything in relation thereto.

**Proposed by:** COMMUNITY PRESERVATION COMMITTEE

**Select Board Recommendation:** Support (Unanimous)

**Advisory Committee Recommendation:** **Support** (Unanimous)

**Summary:** *This article is the Community Preservation Fund payment towards the FY2024 debt funding for the Preservation Restriction of 84 Main Street as approved at ATM 2016.*

**MOTION:** I move the article as printed in the warrant.

**MOTION PASSED UNANIMOUSLY.**



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**ARTICLE 24:** To see if the Town will vote to appropriate a total of \$66,075.00 to be applied towards the bond for the renovation and restoration of the Historic Southborough Library building for the purpose of Historic Preservation. \$66,075.00 from the CPA FY2023 Fund Balance. Said funds to be expended under the direction of the Treasurer; or do or act anything in relation thereto.

**Proposed by:** COMMUNITY PRESERVATION COMMITTEE

**Select Board Recommendation:** Support (Unanimous)

**Advisory Committee Recommendation:** Support (Unanimous)

**Summary:** *This article is the Community Preservation Fund payment towards the FY2024 debt funding for the renovation and restoration of the Historic Southborough Library.*

**MOTION:** I move the article as printed in the warrant.

**MOTION PASSED UNANIMOUSLY.**

**ARTICLE 25:** To see if the Town will vote to transfer from Water Retained Earnings the sum of \$200,000 for the purposes of funding any costs incurred for a peer review of the engineering and design required for an indirect connection to MWRA through the Town of Southborough by the Town of Hopkinton, said funds to be reimbursed by the Town of Hopkinton; or do or act anything in relation thereto.

**Proposed by:** SELECT BOARD

**Select Board Recommendation:** At Town Meeting

**Advisory Committee Recommendation:** Support (Unanimous)

**Summary:** *This article approves the funding of an independent audit of the engineering and design of the proposed MWRA water connection for the Town of Hopkinton through Southborough at a cost not to exceed \$200,000 which will be reimbursed by the Town of Hopkinton.*

**MOTION MADE:** I move the article as printed in the warrant.

**MOTION PASSED.**

**ARTICLE 26:** To see if the Town will vote to amend Chapter 153, entitled Trees, of the Town bylaws by adding § 153-5, **Tree Protection Bylaw**, as follows:

**§ 153-5. TREE PROTECTION BYLAW**

**A. PURPOSE.**

- (1) The Town of Southborough ("Town") is a designated Tree City. The residents of the Town recognize that the preservation of existing trees and the promotion of new tree planting is a public purpose that protects the public health, welfare, environment, and aesthetics of the Town and its citizens. Trees serve a wide variety of functions, which promote the health, safety, and welfare of residents. These functions include:
  - (a) Conserving energy, by providing shade and evaporative cooling through transpiration;
  - (b) Improving local and global air quality by absorbing carbon dioxide and ozone, absorbing particulate matter, and producing oxygen;
  - (c) Reducing wind speed and directing air flow;
  - (d) Reducing noise pollution;
  - (e) Preserving ecosystems by providing habitat for birds, small mammals, insects and other

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wildlife;

- (f) Filtering and screening, glare on roadways and increasing pavement life;
- (g) Reducing storm runoff and the potential for soil erosion;
- (h) Increasing real property values; and
- (i) Enhancing visual and aesthetic qualities that attract visitors and businesses.

- (2) The purpose of this bylaw is to preserve and protect the Town's public shade trees in accordance with the provisions of Massachusetts General Law (MGL) Chapter 87 and Chapter 40, § 15C. It is also intended to encourage the planting of more public shade trees than are removed to compensate for tree losses and the length of time required for a tree to reach maturity.

**B. DEFINITIONS.**

**DBH (Diameter at Breast Height)** is the diameter of the trunk of a tree 4 ½ feet above the average existing grade at the base of the tree.

**Excessive pruning** means the removal of more than one-third of the tree canopy or cutting back the limbs to a point that prevents the natural growth of the tree.

**Imminent hazard** means the existence of a condition that presents a substantial likelihood that death, serious illness, severe personal injury, or a substantial endangerment to health, property, or the environment is likely to occur before a notice and hearing to abate the risk of harm can be completed.

**Public shade tree** is: (a) any tree within or on the boundaries of a public right-of-way, including scenic roads, except for a state highway; or (b) a tree that is not within or on the boundaries of a public right-of-way, but planted by the Tree Warden Designee upon adjoining land at a distance not exceeding 20 feet from the layout of such public way with the written consent of the owner of such adjoining land all in accordance with the provisions of MGL c. 87, §7.

If the highway boundaries are unclear because the boundaries between public and private land cannot be made certain by land records or monuments, the tree is presumed to be a public shade tree according to MGL c. 87, §1.

**Public right of way** is the portion of land controlled or owned by the Town within which an accepted public street or road lies. Typically, the public right-of-way is wider than the road surface and often includes curbs, sidewalks, utilities, public shade trees and grass strips.

**Topping** means the severe cutting back of limbs to stubs within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

**Tree City** the Tree City USA program was founded in 1976 to celebrate towns and cities committed to growing their urban canopy. Led by the Arbor Day Foundation, with partners at USDA Forest Service and National Association of State Foresters, it provides the foundational framework necessary for communities to manage and expand their tree cover.

**Tree removal** means the cutting down of any public shade tree and/or any other act that will likely cause such a tree to die within a three-year period, including but not limited to improper or excessive pruning and construction, demolition, and excavation activities.

**Utility** shall mean a company engaging in the distribution of electricity or owning, operating or controlling distribution facilities; provided, however, that a distribution company shall not include any entity which owns or operates plant or equipment used to produce electricity, steam and chilled

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water, or an affiliate engaged solely in the provision of such electricity, steam and chilled water, where the electricity produced by such entity or its affiliate is primarily for the benefit of hospitals and nonprofit educational institutions, and where such plant or equipment was in operation before January 1, 1986.

**C. TREE WARDEN AND TREE WARDEN DESIGNEE.**

- (1) The Tree Warden shall be the Select Board, per special act of 1991, having primary enforcement responsibilities under this chapter and MGL c.87. The Tree Warden and Tree Warden Designee are called upon to balance the needs between protection of public trees and protection of the public from hazardous or obstructive trees. The Tree Warden (Select Board) shall have the right to review the conduct, acts and decisions of the Tree Warden Designee.
- (2) The Tree Warden Designee shall be appointed by the Tree Warden (Select Board) and pursuant to MGL c.41 §106, hold at least an Associate of Science Degree in Arboriculture / Urban Forestry or a related degree or demonstrated equivalent knowledge and experience; and although not required it is preferred that the Tree Warden Designee also hold a current arborist certification from either the Massachusetts Arborist Association or the International Association of Arboriculture; and have at least three (3) years supervisory experience in commercial or municipal tree care; and shall obtain a Massachusetts Pesticide License within 90 days of employment.
- (3) The Tree Warden (Select Board) may appoint a Deputy to the Tree Warden Designee to perform the roles and responsibilities of the Tree Warden Designee during vacation, sick time, and any paid or unpaid leave of absence. The deputy must have substantial experience and qualifications and shall comply with all rules and obligations of this bylaw.
- (4) The duties or responsibilities of the Tree Warden Designee shall conform to the MGL c. 87 and shall include, but not be limited to the following:
  - (a) Developing and implementing a Tree Planting Program;
  - (b) Pruning of public shade trees for safety and health;
  - (c) Assessment of public shade trees for potential hazard;
  - (d) Removal of public shade trees that are dead and dying;
  - (e) Maintaining a Public Shade Tree Inventory and Public Shade Tree Management Plan;
  - (f) Oversight of utility arboriculture operations and of all contracted tree work on public shade trees;
  - (g) Submit trees for Public Tree Hearings;
  - (h) Enforcement of the provisions of this bylaw, MGL c. 87 and c. 40, §15C;
  - (i) Care, control and management of all trees within public rights-of-way, adjacent to public buildings on public land, and on public commons;

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- (j) Expenditure of funds for public shade tree planting and maintenance consistent with this bylaw and MGL c.87;
- (k) Coordination with the Tree Warden (Select Board), Planning Board; Conservation Commission; Recreation Commission; and interested citizen groups on matters related to urban forestry and public tree management;
- (l) Promulgate regulations outlining the care and preservation of public shade trees and the establishment of fees and fines; all such regulations, fees, and fines subject to approval by the Tree Warden (Select Board) and Planning Board
- (m) Maintain a list of all town roads designated as Scenic Roads and
- (n) Other responsibilities consistent with this bylaw and Massachusetts General Laws.

**D. JURISDICTION.**

- (1) This bylaw applies to all public shade trees in the Town. The Tree Warden (Select Board) and Tree Warden Designee in conjunction with the Planning Board shall have jurisdiction over all trees to which this bylaw applies as set forth in MGL. c. 87 and c. 40, §15C.
- (2) This bylaw applies to all persons, agencies, departments, firms (including utility companies) and applicants either residing or conducting activities in the Town of Southborough.
- (3) If any public shade tree may be impacted by construction, demolition or excavation activities under the jurisdiction of the Town's Building Department, Planning Board, Zoning Board of Appeals, or other Town Department or Board: (1) the owner or applicant of the affected property and any person engaging in such activities shall be required to comply with the provisions of this bylaw; and (2) the owner or applicant shall notify the Tree Warden Designee of such activities.
- (4) A public shade tree may not be trimmed, pruned or removed by any person other than the Tree Warden Designee until and unless, after a public hearing if required or consultation with either the Tree Warden or Town Administrator and either the Town Planner or Planning Board, the Tree Warden Designee issues a written permit pursuant to this bylaw.
- (5) A permit from the Tree Warden Designee shall also be required of any person for planting a public shade tree
- (6) The Tree Warden Designee shall issue standards for planting public shade trees for which a permit is required under this chapter. Such standards shall include: (1) listing of trees acceptable for planting, (2) site selection, (3) priorities for tree planting locations, (4) spacing of street trees, and (5) planting guidelines.

**E. PLANTING NEW TREES WITHIN THE PUBLIC RIGHT OF WAY.**

- (1) Any property owner may petition the Tree Warden Designee to plant a tree within a public right of way. It is understood that some rights of way are not suitable for the planting of trees and that some species of trees are not suitable for public rights of way. For this reason, it is

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understood that the permit is discretionary on the part of the Tree Warden Designee and is not to be construed as a right.

- (2) The Tree Warden Designee may grant a petitioner permission for planting one or more trees within a public right of way, subject to the following:
  - (a) All work in a public right of way shall be conducted to the specifications of the Tree Warden Designee.
  - (b) All costs incurred in the course of planting the tree(s), including related work, regardless of contractor, shall be the responsibility of the petitioner.
  - (c) The petitioner shall work with the Tree Warden Designee to select an appropriate native species tree and location that will not interfere with buried or above ground utilities and will minimize root damage to streets and sidewalks.
  - (d) No tree planting in a public way may be done without obtaining a license from the Select Board and executing a release in favor of the Town.

**F. PROHIBITED ACTIVITIES.**

It shall be unlawful for any person, firm, or town department to engage in any of the following activities relating to public shade trees:

- (1) topping;
- (2) excessive pruning;
- (3) girdling tree trunks;
- (4) poisoning tree roots;
- (5) causing any other kind of injury;
- (6) pollarding the top and branches of a tree;
- (7) tree stapling, cutting, painting, marking, hanging any public messages on trees or tree trunks without a permit
- (8) tree removal without a permit.

**G. PROCESS TO REQUEST PUBLIC SHADE TREE PRUNING OR REMOVAL.**

- (1) Requests for Public Shade Tree pruning or removal must be made to the Tree Warden Designee.
- (2) The Tree Warden Designee shall log the requests including all information per the Tree Warden's regulations
- (3) The Tree Warden Designee shall, and the Tree Warden, Planning Board and interested parties, may inspect the tree before the hearing. The Tree Warden Designee shall determine during the site visit if the public shade tree, that is subject to the removal or pruning request, meets at least one of the criteria per section H (3) of this bylaw.

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- (4) Public shade tree pruning or removal requests for public shade trees, where it has been determined either by the Tree Warden Designee during a site visit or at a public hearing, that at least one of the criteria per section H (3) of this bylaw has not been met, the requestor shall pay a non-refundable per inch DBH fee, per the Tree Warden Designee's regulations and shall be subject to the requirements of section H (4) of this bylaw.

#### **H. PUBLIC HEARING.**

Except as provided in Section K (Emergency Tree Removal) of this bylaw or work described in an approved annual plan as described in section L, the Tree Warden Designee shall not remove any public shade tree with a DBH greater than 1.5 inches or grant a permit to any person for the removal of a public shade tree without first conducting a public hearing. Where a public hearing is required, the Tree Warden Designee shall, in accordance with the provisions of MGL c. 87, §3, issue a notice of the time and place of the hearing, which notice shall identify the size, type and location of each tree to be cut down or removed. The Tree Warden Designee shall also post the notice at three or more public places in Southborough, including under Hearing Notices on the Town's website, under Tree Hearings on the DPW webpage, at the Town House and in public view upon the tree at least fourteen (14) days before such hearing and publish it in a newspaper of general circulation in Southborough once in each of two successive weeks, with the first publication to be not less than fourteen (14) days before the day of the hearing, or if no such local newspaper exists then in accordance with the provisions of MGL c. 4, §6.

- (1) When a public hearing must be held under the provisions of this bylaw and the public shade tree is located on a designated Scenic Road, such hearings shall be consolidated into a single public hearing before Planning Board and the Tree Warden (Select Board)
- (2) When a public hearing must be held under the provisions of this bylaw and the public shade tree is located on conservation lands managed by, or resource areas or their buffer zones under the jurisdiction of the Southborough Conservation Commission, such hearings shall be consolidated into a single public hearing before the Conservation Commission and the Tree Warden (Select Board).
- (3) The Tree Warden Designee following a public hearing per this Section of this bylaw, shall approve removal of a public shade tree upon a determination reached at a public hearing that at least one of the following criteria is satisfied:
  - (a) The tree is dead, diseased, terminally injured, in danger of falling, dangerously close to existing structures, causing disruption of public utility service, causing drainage or passage problems upon rights-of-way, or posing a threat to pedestrian or vehicular safety;
  - (b) The tree interferes with structures, utilities, streets, sidewalks or proposed necessary improvements for which there is no alternative;
  - (c) The tree is a species considered invasive in Massachusetts;
  - (d) There is no alternative to removal of the tree.
- (4) Any person requesting the removal of a public shade tree that does not meet at least one the criteria in section H (3) above shall demonstrate, at a public hearing, that the removal and

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replacement of a tree will be of greater benefit to the inhabitants of the Town of Southborough, shall pay a fee per section G (4) and is responsible for all expenses associated with the public hearing and removal, if approved, including the following:

- (a) Cost of advertising a public hearing as specified in Section H (Public Hearing) of this bylaw and MGL c. 87, §3;
- (b) Cost of removal of tree and stump, including hauling away of all debris, and proper filling of stump hole;
- (c) Planting of sufficient replacement trees as described in section J;
- (d) Cost of police traffic details, repair of street surface and road shoulder, protection and restoration of utility structures; and
- (e) All other costs related to the removal and replanting.

**I. APPEALS.**

- (1) Any decision of the Tree Warden Designee under this bylaw may be appealed to the Select Board, except appeals of decisions made at consolidated hearings per Sections H, Public Hearing, (1) & (2) of this bylaw, or decisions made by the Tree Warden (Select Board) shall be made to a court of competent jurisdiction.
- (2) Appeals to the Select Board must be in writing and must be received by the Select Board within thirty (30) calendar days of the issuance of the Tree Warden Designee's decision, which shall be made publicly available on the Town website. The Select Board shall make a final decision within thirty (30) calendar days from the date of receipt of the appeal request and file a decision with the Town Clerk within fourteen (14) days thereafter.

**J. TREE REPLACEMENT.**

- (1) Public shade trees approved for removal by the Tree Warden (Select Board) at a consolidated hearing shall be replaced with one public shade tree for each public shade tree approved for removal.
- (2) The replacement tree(s) shall be straight native species and purchased from a certified tree nursery that stocks straight native species and is approved by the Tree Warden Designee. Such certified tree nursery shall plant and ensure the health of the tree for three years.
- (3) The Tree Warden (Select Board) and the Planning Board shall promulgate a tree replacement policy to carry forth the purpose and intent of this section of the bylaw.

**K. EMERGENCY TREE REMOVAL.**

- (1) Pruning or removal shall be allowed without a permit or public hearing for any public shade tree that is determined by emergency response officials, including utilities and their agents, to be an imminent hazard. Such officials shall complete a written record of any such determination and

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submit it to the Tree Warden Designee within fourteen (14) calendar days of such determination.

- (2) The Tree Warden Designee may waive the provisions of this bylaw as an emergency response to a hurricane, windstorm, flood or other act of nature. The Tree Warden Designee shall complete a written record of the emergency response and submit it to the Tree Warden and the Planning Board.
- (3) The Tree Warden Designee may remove, without a public hearing, a tree that is determined, by the Tree Warden Designee, in consultation with the Town Administrator and the Town Planner, to be an imminent hazard to persons or property. The Tree Warden Designee making the hazard determination shall be qualified, as defined in section C (2) of this bylaw, by training and experience in the field of Arboriculture. The hazard determination shall be made based on an objective risk tree rating system such as the USDA Forest Service 12-point Risk Tree Rating system or the International Society of Arboriculture Hazard Tree Evaluation system. Hazard trees shall be prioritized for pruning, removal, moving of the target or otherwise minimizing the risk based on those objectively presenting the most risk.

**L. UTILITY COMPANY TREE AND VEGETATION MANAGEMENT ACTIVITIES.**

- (1) The Tree Warden (Select Board) shall request and the utility shall submit, per MGL c. 87 §14, an annual "Hazard Tree Removal Plan" and a "Vegetation Management Plan", as applicable (separately, and together, an "Annual Plan").
- (2) Such Annual Plan(s) shall include: a map of the circuits where maintenance will occur; and a listing and location of any public shade tree(s) expected to be removed.
- (3) The Annual Plan(s) shall be submitted to the Tree Warden (Select Board) prior to December 31<sup>st</sup> each year for activities to be conducted during the following year.
- (4) Any public shade tree expected to be removed will be appropriately marked by the utility company, so that the public may be made aware of the proposed work. The Tree Warden Designee and the utility representative(s) will visit the proposed work site(s) to inspect the proposed work.
- (5) The Tree Warden (Select Board) shall hold a consolidated public meeting with the Planning Board to review the annual plan(s).
- (6) Annual Plan(s) may be approved upon the determination at the consolidated public meeting per section L (5) above, that the plan is in compliance with the requirements of this bylaw. The utility shall be exempt from the requirements of Section H of this bylaw for work described in the approved plan.
- (7) The Tree Warden Designee shall then notify the utility in writing within 60 days of receipt of an Annual Plan(s) whether or not the plan has been approved or approved with changes made as a result of a public review during a scheduled consolidated public meeting.



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- (8) Approved Annual Plan(s) shall be posted on the Town website, DPW's webpage and sent to the Town Planner and the Town Administrator for distribution to their respective Boards and to the public.
- (9) No tree removal, trimming or vegetation management affecting a public shade tree shall be done by the utility company that is not part of an approved Annual Plan, or is not otherwise approved by this bylaw.
- (10) Notwithstanding the Town's approval of the Annual Plan(s), a utility shall provide at least 30 days advance written notice to the Tree Warden Designee before beginning tree trimming or tree removal work pursuant to the Annual Plan(s).

**M. ENFORCEMENT**

- (1) Any person who violates any provision of this bylaw or MGL c. 87, §§3-5, relating to the trimming, cutting or removal of public shades trees shall be subject to a fine of three hundred dollars (\$300) for each separate offense, as well as any replacement fee per section G (4) of this bylaw.
- (2) Each act causing damage to a separate tree shall constitute a separate offense.
- (3) Fines shall be assessed and collected under MGL c. 40, §21D process.
- (4) These remedies shall not be in derogation of the Town's right to enforce the provisions of MGL c. 242, §7, against any person who without a permit willfully cuts down, girdles or otherwise destroys a public shade tree, or the Town's right to apply or enforce any other Massachusetts law or Town bylaw.
- (5) Fines and damages paid to the Town under this bylaw, MGL c. 87, or MGL c. 242, shall be paid to the Town of Southborough.

**N. SEVERABILITY**

- (1) If any part of this bylaw is for any reason declared invalid or unconstitutional by any court, every other part shall continue in full force and effect.

; or do or act anything in relation thereto.

**Proposed by:** PLANNING BOARD

**Select Board Recommendation:** Support (Unanimous)

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *The intent of the bylaw is to put in place a process for the maintenance of Public Shade Trees, including but not limited to, trimming, cutting, planting and the removal of dangerous or damaged trees within the public right of way, and to protect the town from unnecessary tree removal and to maintain the New England character and charm of the Town of Southborough.*

**MOTION MADE:** I move the article as printed in the warrant.

**MOTION TO INDEFINITELY POSTPONE THE ARTICLE FAILED.**

**MOTION FAILED:** Counted Vote 79 in favor, 79 opposed.

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**ARTICLE 27:** To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the ongoing maintenance and new planting of trees. The Town Tree Warden and Planning Board shall meet regularly to plan the use of funds for the following: Inventory of public shade trees by arborist, creation of a tree planting plan, survey of tree planting areas, planting of new trees and tree maintenance. The Tree Warden/Town Administrator and Planning Board shall dually approve all expenditures for scenic roads under this article. For non-scenic roads, the Tree Warden/Town Administrator will approve expenditures and report them to the Planning Board; or do or act anything in relation thereto.

**Proposed by:** SELECT BOARD

**Select Board Recommendation:** Support (Unanimous)

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *This article will be utilized to complete the inventory of public shade trees and begin a study of where new trees can be placed in the public right of way. Funds will be added to this article every year in order to purchase new trees as part of a tree replacement program.*

**MOTION MADE:** I move that the Town vote to transfer the sum of \$30,000 from Article 3 of the October 13, 2022 Special Town Meeting for the ongoing maintenance and new planting of trees. The Town Tree Warden and Planning Board shall meet regularly to plan the use of funds for the following: Inventory of public shade trees by arborist, creation of a tree planting plan, survey of tree planting areas, planting of new trees and tree maintenance. The Tree Warden/Town Administrator and Planning Board shall dually approve all expenditures for scenic roads under this article. For non-scenic roads, the Tree Warden/Town Administrator will approve expenditures and report them to the Planning Board.

**MOTION PASSED.**

**ARTICLE 28:** To see if the Town will vote, pursuant to the recommendation of the Planning Board to designate ***the following*** Town roads not currently designated as "scenic roads", other than those specifically excluded by State Statute, as "scenic roads" under provisions of the Commonwealth of Massachusetts General Laws Chapter 40, Section 15C and to instruct the Planning Board, in exercising responsibilities thereunder, to take into consideration **simplification of town administrative and logistical scenic road management**, sound planning principles, aesthetics, and preservation of natural resources as well as public safety, or do or act anything in relation thereto.

<u>Street</u>	<u>TM Date</u>	<u>Street</u>	<u>TM Date</u>
Adams Circle	4/8/1996	Kidder Lane	4/14/2003
Alexandra Circle	9/12/1994	Killam Farm Lane	4/9/2001
Andrews Way	9/12/1994	Ledge Hill Road	4/10/2000
Angelica Lane	4/12/2004	Liberty Drive	4/8/1996
Asaree Drive	9/12/1994	Maple Street Ext.	4/16/2014
Ashley Road	4/12/1993	Metacomet Lane	4/8/2002
Austin Kelly Lane	4/8/2002	Metcalf Lane	4/13/2015
Banfill Lane	4/12/2004	Michael Circle	2/13/1995
Barn Lane	10/7/2013	Moore Road	4/11/1994
Beechwood Lane	11/13/2000	Nathan Stone Road	5/18/1999
Blendon Woods Dr.	10/7/2013	Nipmuc Lane	10/7/2013
Boswell Lane	4/13/1998	Orchard Road	4/14/92 & 4/14/08
Brookside Road	4/12/2004	Powder Mill Lane	4/13/1987
Burnett Road	4/14/1997	Presidential Drive	2/13/1995

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Candlewood Lane	9/11/2000	Sadie Hutt Lane	4/23/1990
Constitution Drive	4/8/1996	Sarsen Stone Way	4/8/1991
Coslin Drive (portion)	2018	Schipper Farm Lane	4/8/2002
Country Lane	4/8/1996	Skylar Drive	4/13/1987
Darlene Drive	2/13/1995	Southwood Drive	9/11/2000
Davis Road	4/12/1993	Stockwell Lane	4/10/2000
Eastbrook Farm Lane	4/8/1996	Stub Toe Lane	4/8/1996
Fiddleneck Lane	4/11/2005	Summit Road	4/13/1987
Fitzgerald Lane	4/10/2000	Sunrise Drive	4/8/1991
Foxhill Drive	4/11/2016	Thayer Lane	4/13/2015
Garrison Lane	4/13/1987	Vale Terrace	4/9/2001
Glenwood Road	9/12/1994	Vickery Hill Lane	4/14/2008
Heather Lane	2/13/1995	Wells Lane	4/13/2010
Hidden Meadow Ln.	4/10/2000	Wentworth Drive	4/8/1996
High Ridge Road	4/14/1980	Whistler Lane	4/10/2000
Hillside Avenue Ext.	4/14/2003	Wildwood Drive	4/10/2000
Hubley Lane	4/9/2001	William Colleary Ln	4/11/2016
Independence Drive	4/8/1996	William Onthank Ln.	4/14/2008
Joslin Lane	4/11/2005	Witherbee Lane	4/11/2005
Kallander Drive	4/11/2005	Wyeth Circle	2/13/1995

**Proposed by:** PLANNING BOARD

**Select Board Recommendation:** Not Support (2-3-0)

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *The intent of this article is to protect the scenic quality and character of certain public ways in the Town by regulating the cutting or removal of trees and the disturbance of stone walls within the right-of-way of scenic roads.*

**MOTION MADE:** I move the article as printed in the warrant.

**MOTION TO INDEFINITELY POSTPONE THE ARTICLE PASSED.**

**ARTICLE 29:** To see if the Town will vote to delete Section § 174-13.5 from the Zoning Bylaws, such deletion to be contingent upon the passage of new Stormwater General Bylaw, in a separate article in this warrant, or do or act anything in relation thereto.

**Proposed by:** SELECT BOARD; CONSERVATION COMMISSION

**Select Board Recommendation:** Support (Unanimous)

**Advisory Committee Recommendation:** Support (Unanimous)

**Summary:** *To remove, in its entirety, the existing bylaw with the intent to insert an amended copy of this bylaw, as its own General Bylaw, in the next article. The Stormwater & Erosion Control Bylaw is promulgated and enforced by the Conservation Commission and does not rely on Zoning enforcement and oversight. By inserting in the General Bylaws, this would also require appeals to be submitted to the Superior Court instead of the Zoning Board of Appeals. This removal will be nullified if the insertion of the amended bylaw does not pass.*

**MOTION MADE:** I move that we vote to approve the article as printed in the warrant.

**MOTION PASSED BY MODERATOR DECLARED 2/3 MAJORITY.**

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**ARTICLE 30:** Subject to the passage of an article for the deletion of Section § 174-13.5 of the Zoning Bylaws, to see if the Town will vote to amend its General Bylaws by adopting a new Section 154, entitled Stormwater Management, as follows:

**§ 154. Stormwater and erosion control. [Added 4-10-2006 ATM by Art. 46]**

- A. Purpose. Regulation of activities that result in the disturbance of land and the creation of stormwater runoff is necessary for the protection of the Town of Southborough to safeguard the health, safety, and welfare of the general public and protect the natural resources of the Town. The purpose of this bylaw is to prevent or diminish these impacts by controlling runoff and preventing soil erosion and sedimentation resulting from site construction and development. This bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes, and pursuant to the bylaws of the federal Clean Water Act found at 40 CFR 122.34. Nothing in this bylaw is intended to replace the requirements of either the Town of Southborough Wetlands Protection Bylaw,<sup>1</sup> or any other bylaw that has been or may be adopted by the Town of Southborough. Any activity subject to the provisions of the above-cited bylaws must comply with the specifications of each applicable bylaw. The objectives of this bylaw are to:
- (1) Establish decision-making processes surrounding land development activities that protect the integrity of the watershed and preserve the health of wetland and water resources;
  - (2) Require that new development, redevelopment and all land conversion activities maintain the after-development runoff characteristics as equal to or less than the pre-development runoff characteristics to provide recharge and to reduce flooding, stream bank erosion, siltation, nonpoint source pollution, property damage, and to maintain the integrity of stream channels and aquatic habitats;
  - (3) Establish minimum construction/alteration and post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality and for the protection of properties and aquatic resources downstream from land development and land conversion activities from damages due to increases in volume, velocity, frequency, duration, and peak flow rate of stormwater runoff;
  - (4) Establish design criteria for measures to minimize nonpoint source pollution from stormwater runoff which would otherwise degrade water quality;
  - (5) Establish design and application criteria for the construction and use of structural stormwater control facilities that can be used to meet the minimum construction/alteration and post-development stormwater management standards and to encourage the use of nonstructural stormwater management, stormwater site design practices or "low-impact development practices," such as reducing impervious cover and the preservation of open space and other natural areas, to the maximum extent practicable;
  - (6) Establish provisions for the long-term responsibility for and maintenance of structural stormwater control facilities and nonstructural stormwater management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety;
  - (7) Establish provisions to ensure there is an adequate funding mechanism, including surety, for the proper review, inspection and long-term maintenance of stormwater facilities

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<sup>1</sup> Editor's Note: See Chapter 170, Wetlands Protection

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implemented as part of this bylaw; and

- (8) Establish administrative procedures and fees for the submission, review, approval, or disapproval of stormwater management plans, and for the inspection of approved active projects, and long-term follow up.

B. Definitions.

AGRICULTURE — The normal maintenance or improvement of land in agricultural or aquacultural use, as defined by the Massachusetts Wetlands Protection Act (MGL c. 131, § 40) and its implementing regulations (310 CMR 10.00).

ALTER — Any activity that changes the water quality, or the force, quantity, direction, timing or location of runoff flowing from the area and will measurably change the ability of a ground surface area to absorb water. Such changes include: change from distributed runoff to confined, discrete discharge; change in the volume of runoff from the area; change in the peak rate of runoff from the area; and change in the recharge to groundwater on the area. Alter may be similarly represented as "alteration of drainage characteristics," and "conducting land disturbance activities."

APPLICANT — Any "person" as defined below requesting a stormwater and erosion control permit for proposed land-disturbance activity.

AUTHORIZED ENFORCEMENT AGENCY — The Conservation Commission (hereinafter "the Commission") and its employees or agents or other employee of the Town of Southborough shall be in charge of enforcing the requirements of this bylaw.

BEST MANAGEMENT PRACTICE (BMP) — Structural, nonstructural, vegetative and managerial techniques that are recognized to be the most effective and practical means to reduce erosion and sediment, prevent or reduce increases in stormwater volumes and flows, reduce point source and nonpoint source pollution, and promote stormwater quality and protection of the environment. "Structural" BMPs are devices that are engineered and constructed to provide temporary storage and treatment of stormwater runoff. "Nonstructural" BMPs use natural measures to reduce pollution levels, do not require extensive construction efforts, and/or promote pollutant reduction by eliminating the pollutant source.

BETTER SITE DESIGN — Site design approaches and techniques that can reduce a site's impact on the watershed through the use of nonstructural stormwater management practices. Better site design includes conserving and protecting natural areas and green space, reducing impervious cover, and using natural features for stormwater management.

CONSTRUCTION AND WASTE MATERIALS — Excess or discarded building or construction site materials that may adversely impact water quality, including but not limited to concrete truck washout, chemicals, litter and sanitary waste.

DISTURBED AREA — An area, man-made or natural, where the existing condition has been or is proposed to be altered.

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**ENVIRONMENTAL SITE MONITOR** — A professional engineer, or other trained professional selected by the Commission and retained by the holder of a stormwater and erosion control permit to periodically inspect the work and report to the Commission.

**EROSION** — A condition in which the earth's surface, including soil or rock fragment, is detached and moved away by the action of water, wind, ice, gravity or other natural means.

**GENERAL STORMWATER MANAGEMENT PERMIT (GSMP)** — A permit issued for an application that meets a set of predetermined standards outlined in the regulations to be adopted by the Commission under this bylaw. By meeting these predetermined standards, the proposed project will be presumed to meet the requirements and intent of this bylaw.

**HOTSPOT** — Land uses or activities with higher potential pollutant loadings, such as auto salvage yards, auto fueling facilities, fleet storage yards, commercial parking lots with high intensity use, road salt storage areas, commercial nurseries and landscaping, outdoor storage and loading areas of hazardous substances, or marinas.

**MASSACHUSETTS STORMWATER MANAGEMENT POLICY** — The policy issued by the Department of Environmental Protection, and as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act, MGL c. 131, § 40, and Massachusetts Clean Waters Act MGL c. 21, §§ 23 through 56.<sup>2</sup> The policy addresses stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity of runoff from a site.

**NEW DEVELOPMENT** — Any construction or land disturbance of a parcel of land that is currently in a natural vegetated state and does not contain alteration by man-made activities.

**PERSON** — Any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the commonwealth or political subdivision thereof to the extent subject to Town bylaws, administrative agency, public or quasi-public corporation or body, the Town of Southborough, and any other legal entity, its legal representatives, agents, or assigns.

**POST-DEVELOPMENT** — The conditions that reasonably may be expected or anticipated to exist after completion of the land development activity on a specific site or tract of land. Post-development refers to the phase of a new development or redevelopment project after completion and does not refer to the construction phase of a project.

**PRE-DEVELOPMENT** — The conditions that exist at the time that plans for the land development of a tract of land are submitted to the Conservation Commission. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time prior to the first plan submission shall establish pre-development conditions.

**RECHARGE** — The replenishment of underground water reserves.

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<sup>2</sup> Editor's Note: See the Clean Waters Act in MGL c. 21, §§ 26 through 53.

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**REDEVELOPMENT** — Any construction, alteration, or improvement exceeding land disturbance of 5,000 square feet, where the existing land use is commercial, industrial, institutional, or multifamily residential.

**RUNOFF** — Rainfall, snowmelt, or irrigation water flowing over the ground surface.

**SEDIMENT** — Solid material, whether mineral or organic, that is in suspension, is transported or has been moved from its site of origin by erosion.

**SEDIMENTATION** — A process of depositing material that has been suspended and transported in water.

**SLOPE** — The vertical rise divided by the horizontal distance and expressed as a fraction or percentage.

**STABILIZED** — The elimination of any erosion.

**STORMWATER MANAGEMENT HANDBOOK** — Stormwater Management Handbook, Volume One and Volume Two, prepared by the Mass. Department of Environmental Protection and the Mass. Office of Coastal Zone Management dated March 1997, as the same may be from time to time revised.

**STORMWATER MANAGEMENT PERMIT (SMP)** — A permit issued by the Conservation Commission, after review of an application, plans, calculations, and other supporting documents, which is designed to protect the environment of the Town from the deleterious effects of uncontrolled and untreated stormwater runoff.

- C. **Applicability.** This bylaw shall be applicable to all new development and redevelopment, including, but not limited to, site plan applications, subdivision applications, grading applications, land use conversion applications, any activity that will result in an increased amount of stormwater runoff or pollutants flowing from a parcel of land, or any activity that will alter the drainage characteristics of a parcel of land, unless exempt pursuant to Subsection D of this bylaw. After April 10, 2006, the Commission shall not approve any application for development or redevelopment if the land or parcels of land were held in common ownership (including ownership by related or jointly controlled persons or entities) and were subdivided or otherwise modified to avoid compliance. A development shall not be segmented or phased in a manner to avoid compliance with this bylaw. A stormwater and erosion control permit shall be required from the Commission for the following:

- (1) Any activity subject to major site plan review (§ 174-10) except when no land disturbance is commencing;
- (2) Any activity that will result in land disturbance of one (1) acre or more;
- (3) Any residential development or redevelopment proposed pursuant to the Subdivision Control Law, MGL c. 41, §§ 81K to 81GG, inclusive, or proposed under a special permit process pursuant to MGL c. 40A, § 9;
- (4) Any activity that will increase the amount of impervious surfaces more than 50% of the area of a parcel or lot when the lot size is greater than one (1) acre; and
- (5) Any activity that will disturb land with 15% or greater slope and where the land disturbance is greater than or equal to 15,000 square feet within the sloped area.

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- (6) Any residential development or redevelopment that is part of a common plan of development or sale which will disturb one (1) acre, 43,560 sf, or more of land. The Commission requires an application if the land, or parcels of land, were or are in common ownership and were subdivided or otherwise modified to avoid compliance.
  - (7) The maintenance, reconstruction or resurfacing of any public way; and the installation of drainage structures or utilities within or associated with public ways when the width of the road is expanded three feet or greater for one hundred (100) feet or more.
  - (8) Any land disturbance that will result in soil disturbance of one-half acre (1/2), 21,780 square feet up to, but not including, one (1) acre, 43,560 square feet, shall be required to follow the procedure outlined within the currently approved Stormwater Policy for Minor Projects enforced by the Conservation Agent and shall at a minimum require: Notify the Conservation Commission, in writing, of the date and nature (including a sketch) of the proposed project at least 7 calendar days prior to the commencement of land disturbing activities
    - (a) Implement measures such as erosion control barriers, to prevent the offsite discharge of sediment at the direction of the Conservation Commission or their agent
    - (b) Construction materials shall be managed to not pollute stormwater
    - (c) Containers and materials shall be stored and disposed of properly
    - (d) Sediment and stormwater shall not be allowed to be directed or impact abutting properties or roadways
    - (e) The Conservation Commission reserves the right to request additional measures at the discretion of the Commission if sedimentation and erosion controls become problematic at a site
- D. Exemptions. The following activities are exempt from the requirements of this bylaw:
- (1) Normal maintenance of Town-owned public land, ways and appurtenances;
  - (2) Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation, 310 CMR 10.04 and MGL c. 40A, § 3;
  - (3) Repair or replacement of septic systems when approved by the Board of Health for the protection of public health;
  - (4) Normal maintenance of existing landscaping, gardens or lawn areas associated with a single-family dwelling, provided such maintenance does not include the addition of more than 400 cubic yards of soil material, or alteration of drainage patterns;
  - (5) The construction of fencing that will not alter existing terrain or drainage patterns;
  - (6) Construction and associated grading of a way that has been approved by the Planning Board except those in conjunction with any residential development or redevelopment as described in Section 3.3;
  - (7) The maintenance, reconstruction or resurfacing of any public way; and the installation of drainage structures or utilities within or associated with public ways that do not meet the applicability in Section 3.7 that have been approved by the appropriate authorities, provided that written notice be filed with the Conservation Commission 14 days prior to commencement of activity;
  - (8) The removal of earth products undertaken in connection with an agricultural use if the removal is necessary for or directly related to planting, cultivating or harvesting or the raising or care of animals; or
  - (9) Activity in accordance with the terms of an existing order of conditions or determination



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of applicability issued by the Commission pursuant to MGL c. 131, § 40, or the Southborough Wetlands Protection Bylaw, Chapter 170 of the Code of the Town of Southborough prior to the effective date of this Bylaw.

E Administration.

- (1) The Conservation Commission shall be the permit granting authority for the issuance of a stormwater and erosion control permit and shall administer, implement and enforce this bylaw. Any powers granted to, or duties imposed upon the Commission may be delegated in writing by the Commission to its employees or agents or other municipal employees as appropriate. Such permit applications shall be submitted, considered, and issued only in accordance with the provisions of this bylaw and the regulations adopted pursuant to this bylaw.
- (2) Stormwater regulations. The Commission shall adopt, and periodically amend, rules and regulations relating to the terms, conditions, definitions, enforcement, fees, procedures and administration of this Stormwater and Erosion Control Bylaw. Failure by the Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court shall not act to suspend or invalidate the effect of this bylaw.
- (3) Right of entry. Filing an application for a stormwater and erosion control permit grants the Commission, or its agent, permission to enter the site to verify the information in the application and to inspect for compliance with permit conditions.
- (4) Stormwater management manual. The Commission will utilize the policy, criteria and information, including specifications and standards of the latest edition of the Massachusetts Stormwater Management Policy, for execution of the provisions of this bylaw. This policy includes a list of acceptable stormwater treatment practices, including the specific design criteria for each stormwater practice. The policy may be updated and expanded periodically, based on improvements in engineering, science, monitoring, and local maintenance experience. Unless specifically altered in the stormwater regulations, stormwater management practices that are designed, constructed, and maintained in accordance with these design and sizing criteria will be presumed to be protective of Massachusetts's water quality standards.
- (5) Application. To obtain approval for a project subject to the provisions of this bylaw, the applicant shall submit a stormwater management and erosion control plan and an operation and maintenance plan prepared, stamped and signed by a professional engineer registered in Massachusetts, a registered land surveyor, or a Massachusetts licensed soil evaluator, as appropriate, that complies with the requirements set forth herein and in the regulations adopted pursuant to this bylaw. The operation and maintenance plan (O&M plan) shall be designed to ensure compliance with the permit, this bylaw, and that the Massachusetts surface water quality standards, 314 CMR 4.00, are met in all seasons and throughout the life of the system. The O&M plan shall remain on file with the Commission, the Planning Board, the Department of Public Works and the Town Engineer and shall be an ongoing requirement. The O&M plan shall meet the criteria set forth in the regulations adopted pursuant to this bylaw. The plans shall fully describe the project in drawings, narrative, and calculations.
  - (a) At the time of application, the applicant shall provide in writing the name and the 24 hours a day and seven days a week contact information of the person who is responsible for erosion and sediment control for the site- disturbing activity which is the subject of

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the application. Said person shall ensure that the approved activity takes place in accordance with the application, plan and permit requirements.

- F. Fees. The Commission shall establish fees to cover expenses incurred by the Town in reviewing the application and monitoring permit compliance. The Commission is authorized to retain and charge the applicant fees to cover the cost of hiring a registered professional engineer or other professional consultant to advise the Commission on any or all aspects of the project. The applicant for a stormwater and erosion control permit may be required to establish and maintain an escrow account to cover the costs of said consultants. Applicants shall pay review fees to the Commission before the review process may begin.
- G. Surety. The Commission may require a cash performance guaranty to ensure compliance with these requirements and for the long-term operation and maintenance of all permanent erosion control and stormwater management measures. The form of the bond shall be approved by the Commission upon the recommendation of Town Counsel and the Town Treasurer, as appropriate. With the approval of the Commission upon the recommendation of Town Counsel and the Town Treasurer, as appropriate, the applicant may substitute an irrevocable letter of credit or performance bond in lieu of the cash performance guaranty. Any performance bond or letter of credit shall be executed and maintained by a financial institution, surety, or guaranty company qualified to do business in the Commonwealth of Massachusetts.
- H. Waivers.
  - (1) The Commission may waive strict compliance with some of the requirements of this bylaw or the rules and regulations promulgated hereunder, if it determines that some of the application requirements are unnecessary because of the size or character of the development project or because of the natural conditions at the site and where such action:
    - (a) Is allowed by federal, state and local statutes and/or regulations;
    - (b) Is in the public interest; and
    - (c) Is not inconsistent with the purpose and intent of this bylaw.
  - (2) Any request from an applicant for a waiver of these rules shall be submitted, in writing, to the Commission at the time of submission of the application. Such requests shall clearly identify the provisions of the rule from which relief is sought and be accompanied by a statement setting forth the reasons why, in the applicant's opinion, the granting of such a waiver would be in the public interest or the specific information required to show strict compliance is irrelevant to the project, and why a waiver would be consistent with the intent and purpose of this bylaw and the rules and regulations promulgated hereunder.
- I. Findings and conditions of approval.
  - (1) The Commission shall not approve any application for a stormwater and erosion control permit unless it finds that BMPs will be employed to meet the following requirements:
    - (a) Compliance with all applicable federal, state and local regulations and guidelines, including but not limited to the Stormwater Management Handbook as it may be amended, has been demonstrated;
    - (b) Measures shall be employed to minimize adverse impacts on wildlife habitats and corridors, natural or historic landscape features, and scenic vistas and views;
    - (c) The duration of exposure of disturbed areas due to removal of vegetation, soil removal, and/or regrading shall be set forth in a written time table and approved by the Commission;
    - (d) There shall be no net increase in the rate of stormwater runoff from the site;

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- (e) There shall be no net increase in the volume of stormwater runoff across the boundaries of the site unless provisions have been made to tie into the public storm drains, where available, with the approval of the appropriate parties or authorities or, the Commission has determined that all reasonable provisions have been made to minimize any changes in stormwater runoff at the site;
  - (f) There shall be no adverse impacts to abutting properties from any increase in volume of stormwater runoff, including erosion, silting, flooding, sedimentation or impacts to wetlands, groundwater levels or wells;
  - (g) Where the site is not proposed to be covered with gravel, hardscape, or a building or structure, a planting plan to ensure permanent revegetation of the site has been approved;
  - (h) Areas to be planted shall be loamed with not less than six inches compacted depth of good quality loam and seeded with turf grass seed or other appropriate ground cover in accordance with good planting practice;
  - (i) Dust control shall be used during grading operations if the grading is to occur within 500 feet of an occupied residence or place of business, school, playground, park, cemetery, or place of worship;
  - (j) During construction, temporary erosion and sedimentation control measures will be employed in accordance with the approved plan;
  - (k) During construction, any site access from a paved public way shall be improved with a gravel apron of 15 feet wide and at least 24 feet long to prevent unstable material from being transported onto the street by vehicle tires or by runoff;
  - (l) Until a disturbed area is permanently stabilized, sediment in runoff water shall be trapped by using a siltation barrier, siltation fences, and/or sedimentation traps;
  - (m) Dust control shall be used during grading operations if the grading is to occur within 500 feet of the property line of an occupied residence or place of business. Dust control methods may consist of grading fine soils on calm days only or dampening the ground with water;
  - (n) Permanent erosion control and vegetative measures shall be in accordance with the approved plan; and
  - (o) Where applicable, homeowner's, facility or condominium documents shall provide for the long-term operation and maintenance of all permanent erosion control and stormwater management measures, including surety.
- (2) Based upon the nature of the application the Commission may impose reasonable requirements or limitations to minimize the impacts, if any, on abutting properties or uses.
  - (3) Prior to commencement of any land disturbing activity, the applicant shall record the permit with the Registry of Deeds or Registry District of the Land Court, and shall submit to the Commission written proof of such recording.
  - (4) At completion of the project, the owner shall submit as-built record drawings of all structural stormwater controls and treatment best management practices required for the site. The as-built drawing shall show deviations from the approved plans, if any, and shall be certified by a professional engineer registered in Massachusetts.
- J. Actions by the Commission.
- (1) The Commission shall act on each application for a permit within 90 days of the date of filing with the Commission and the Town Clerk, unless such application has been withdrawn from consideration.
  - (2) The Commission may take any of the following actions as a result of an application for a

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stormwater management and erosion control permit as more specifically defined as part of stormwater regulations promulgated as a result of this bylaw: approval, approval with conditions, disapproval, or disapproval without prejudice.

- (3) A stormwater and erosion control permit may be disapproved if the Commission determines:
  - (a) The requirements of this Bylaw are not met; or
  - (b) The intent of the application is to circumvent other provisions of the Town's Zoning Code and regulations.
- (4) Appeals of action by the Commission. A decision of the Commission shall be final. Relief of a decision by the Commission made under this bylaw shall be reviewable in the Superior Court in an action filed within 60 days thereof, in accordance with M.G.L. Ch 249. § 4. Such an appeal shall result in revocation of the written approval, until such time as the appeal process has been resolved. The remedies listed in this bylaw are not exclusive of any other remedies available under any applicable federal, state or local law.
- K. Enforcement. The Commission or its authorized agent and the Town of Southborough shall have the power and duty to enforce this bylaw, its regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.
  - (1) Penalties. Any person who violates any provision of this bylaw, regulation, or permit issued hereunder, shall be subject to fines, civil action, criminal prosecution, and tax liens, as appropriate and as lawfully established by the Town of Southborough.
  - (2) Tax liens. The Town of Southborough shall require the repayment of services provided to the responsible party that the responsible party was obligated to perform as set forth in the operation and maintenance plan. If repayment is not made within 30 days, the Town may impose a tax lien on the property of the responsible party or parties.
  - (3) Noncriminal disposition. As an alternative to criminal prosecution or civil action, the Town may utilize the noncriminal disposition procedure set forth in MGL c. 40, § 21D, in which case the Conservation Administrator, Conservation Agent or other authorized agent of the Town shall be the enforcing person.
- L. Severability. Any determination that a particular provision or set of provisions in this bylaw is invalid or unenforceable shall not render ineffective, unenforceable, or inapplicable the remainder of this bylaw.

; or do or act anything in relation thereto.

**Proposed by:** SELECT BOARD; CONSERVATION COMMISSION

**Select Board Recommendation:** Support (Unanimous)

**Advisory Committee Recommendation:** Support (Unanimous)

**Summary:** *To insert a **new bylaw** based upon the **amendment of the existing bylaw**. The amendments include, but are not limited to, updating applicability thresholds to be equitable and not unfairly burden homeowners with smaller lot sizes, no longer allow segmentation of projects to stem resident concerns, allow administrative oversight on smaller residential projects to better protect abutting residents from impacts, changing appeals to be handled by Superior Court instead of Zoning Board of Appeals, inclusion of current industry standard data, and update of definitions. If this article does not pass, then the existing (no amendments) bylaw shall remain in effect and unchanged and the previous vote shall be nullified.*

**MOTION MADE:** I move Article 30 as printed in the warrant.

**MOTION PASSED UNANIMOUSLY.**

**Approved by the Attorney General on June 5, 2023.**

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**ARTICLE 31:** To see if the Town will vote to amend § 174-8.9. WFP Wetland and Floodplain District. of the Town's Zoning Bylaws by replacing the existing bylaw with the following:

**§ 174-8.9. WFP Wetland and Floodplain District. [Added 4-12-1993 ATM by Art. 43; amended 4-12-2011 ATM by Art. 32; 4-16-2014 ATM by Art. 19]**

A. Statement of Purpose for Flood Resistant Standards

- (1) Ensure public safety through reducing the threats to life and personal injury
- (2) Eliminate new hazards to emergency response officials
- (3) Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding
- (4) Avoid to loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding
- (5) Eliminate costs associated with the response and cleanup of flooding conditions
- (6) Reduce damage to public and private property resulting from flooding waters.

B. The Wetland and Floodplain District is considered to be an overlay district. The District includes all special flood hazard areas within the Town of Southborough designated as Zone A, AE, AH, AO, or A99, on the Worcester County Flood Insurance Rate Map (FIRM) dated July 16, 2014 issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The exact boundaries of the District may be defined by the one-hundred-year base flood elevations shown on the FIRM and further defined by the Worcester County Flood Insurance Study (FIS) report dated July 16, 2014. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Official, Conservation Commission and Department of Public Works.

C. Designation of Community Floodplain Administrator

- (1) The Town of Southborough hereby designates the position of Conservation Agent to be the official floodplain administrator.

D. Permits

- (1) A permit is required for all proposed construction or other development in the floodplain overlay district, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving, and any other development that might increase flooding or adversely impact flood risks to other properties.
- (2) The town's permit review process includes the requirement that the proponent obtain all local, state, and federal permits that will be necessary in order to carry out the proposed development in the floodplain overlap district. The proponent must acquire all necessary permits, and must demonstrate that all necessary permits have been acquired.

E. Floodway Encroachment

- (1) Floodway data. In Zones A, A1-30, and AE, along watercourses that have not had a regulatory floodway designated, the best available federal, state, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- (2) In Zones A1-30 and AE, along watercourses that have a regulatory floodway designated on the Town's FIRM encroachments are prohibited, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been

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demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

F. Unnumbered A Zones

(1) In A Zones, in the absence of FEMA BFE data and floodway data, the building department will obtain, review, and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A as the basis for elevating residential structures to or above base flood level, for floodproofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.

G. Subdivision Proposals

(1) All subdivision proposals and development proposals in the floodplain overlap district shall be reviewed to assure that:

- (a) Such proposals minimize flood damage
- (b) Public utilities and facilities are located and constructed so as to minimize flood damage

(c) Adequate drainage is provided

(2) Base Flood Elevation Data for Subdivision Proposals

- (a) When proposing subdivisions or other developments greater than 50 lots or 5 acres (whichever is less), the proponent must provide technical data to determine base flood elevations for each developable parcel shown on the design plans.

H. Recreational Vehicles

(1) In A1-30, AH, AE Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulation for foundation and elevation requirements or be on site for less than 180 consecutive days or be fully licensed and highway ready.

I. Watercourse Alterations or Relocations in Riverine Areas

(1) In a riverine situation, the Conservation Commission shall notify the following of any alteration or relocation of a watercourse:

(a) Adjacent communities, especially upstream and downstream

(b) Bordering States, if affected

(c) NFIP State Coordinator:

(d) Massachusetts Department of Conservation and Recreation NFIP Program Specialist:  
Federal Emergency Management Agency, Region I

J. Requirement to Submit New Technical Data

(1) If the Town acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s). Notification shall be submitted to:

(a) NFIP State Coordinator:

Massachusetts Department of Conservation and Recreation

(b) NFIP Program Specialist:

Federal Emergency Management Agency, Region 1

K. Variances to Building Code Floodplain Standards

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(1) The Town will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance and will maintain this record in the community's files.

(2) The town shall also issue a letter to the property owner regarding potential impacts to the annual premiums for flood insurance policy covering that property, in writing over the signature of a community official that:

(a) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 to \$100 of insurance coverage and;

(b) Such construction below the base flood level increases risks to life and property

(3) Such notification shall be maintained with the record of all variance actions for the referenced development in the floodplain overlap district.

L. Variances to local Zoning Bylaws related to community compliance with the National Flood Insurance Program (NFIP)

(1) A variance from these floodplain bylaws must meet the requirements set out by the State law, and may only be granted if:

(a) Good and sufficient cause and exceptional non-financial hardship exist;

(b) The variance will not result in additional threats to public safety, extraordinary public expense, or fraud and/or victimization of the public and;

(c) The variance is the minimum action necessary to afford relief

M. Reference to existing regulations

(1) The Floodplain District is established as an overlay district to all other districts. All development in the District, including structural and nonstructural activities, whether permitted by right or by special permit, must be in compliance with Chapter 131, Section 40, of the Massachusetts General Laws and with the following:

(a) Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (currently 780 CMR).

(b) Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00)

(c) Inland Wetlands Restriction, DEP (currently 310 CMR 13.00).

(d) Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5).

(e) Southborough Wetlands Bylaw & Regulations

(2) Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

N. Abrogation and Greater Restriction Section

(1) The floodplain management regulations found in this Floodplain Overlay District section shall take precedence over any less restrictive conflicting local laws, ordinances, or codes.

O. Disclaimer of Liability

(1) The degree of flood protection required by this bylaw is considered reasonable but does not imply total flood protection.

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P. Severability Section

(1) If any section, provision, or portion of this bylaw is deemed to be unconstitutional or invalid by a court, the remainder of the ordinance shall be effective.

Q. The operation of any marijuana establishment as defined in MGL c. 94C, §1, including without limitation a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retainer or any other type of licensed marijuana facility is prohibited in all zoning districts of the Town. This prohibition shall not apply to the sale, distribution or cultivation of marijuana for medical purposes, licensed under Chapter 369 of the Acts of 2012 and currently permitted in the Town of Southborough. [Added 4-25-2017 ATM by Art.32]

R. Definitions

**DEVELOPMENT** Any man-made change to improved or unimproved real estate, including but not limited to building or structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials [US Code of Federal Regulations, Title 44, Part 59]

**FLOODWAY** The channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. [Base Code, Chapter 2, Section 202]

**FUNCTIONALLY DEPENDENT USE** A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. [US Code of Federal Regulations, Title 44, Part 59] Also [Referenced Standard ASCE 24-14]

**HIGHEST ADJACENT GRADE** The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. [US Code of Federal Regulations, Title 44, Part 59]

**HISTORIC STRUCTURE** Any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

- (1) By an approved state program as determined by the Secretary of the Interior or;
- (2) Directly by the Secretary of the Interior in states without approved programs.

[US Code of Federal Regulations, Title 44, Part 59]

**NEW CONSTRUCTION** Structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard adopted by the



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authority having jurisdiction, including any subsequent improvements to such structures. New construction includes work determined to be substantial improvement. [Referenced Standard ASCE 24-14]

**RECREATIONAL VEHICLE** Means a vehicle which is:

- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. [US Code of Federal Regulations, Title 44, Part 59]

**REGULATORY FLOODWAY** See FLOODWAYSPECIAL FLOOD HAZARD AREA The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, AH, V, VO, VE or V1-30 . [Base Code, Chapter 2, Section 202]

**START OF CONSTRUCTION** The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Base Code, Chapter 2, Section 202]

**STRUCTURE** For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. [US Code of Federal Regulations, Title 44, Part 59]

**SUBSTANTIAL REPAIR OF A FOUNDATION** When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR. [As amended by MA in 9th Edition BC]

**VARIANCE** For floodplain management purposes, a grant of relief by a community from the terms of a flood plain management regulation. [US Code of Federal Regulations, Title 44, Part 59]

**VIOLATION** The failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the

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elevation certificate, other certifications, or other evidence of compliance required in §60.3 is presumed to be in violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59]

; or do or act anything in relation thereto.

**Proposed by:** SELECT BOARD; CONSERVATION COMMISSION

**Select Board Recommendation:** Support (Unanimous)

**Advisory Committee Recommendation:** Support (Unanimous)  
Unanimous)

**Summary:** *To amend the existing bylaw to conform with current FEMA requirements for every inland town or city under the National Flood Insurance Program (NFIP) with the assistance of DCR as the State Coordinating Office of the NFIP. The amendments include, but are not limited to, adding the purpose of the bylaw, clarifying who shall retain records, utilizing best known data, definitions, and keeping record of any structure built within a floodplain (which is currently and will continue to be done through an Order of Conditions issued by the Conservation Commission and requires no change of process).*

**MOTION MADE:** I move the article as printed in the warrant.

**MOTION PASSED BY MODERATOR DECLARED 2/3 MAJORITY.**

**Approved by the Attorney General on June 5, 2023.**

**Assistant Town Clerk Amy M. Berry was sworn in to memorialize the actions related to Article 32.**

**ARTICLE 32:** To see if the Town will vote to adopt as Article V §27-28 of the Town Code the following:

**§27-28 Correction of Non-Substantive Scrivener and Formatting Errors**

The Town Clerk is authorized to correct typographical, grammatical, numbering and punctuation errors, as necessary, in the Town Code; and the Town Clerk is authorized to make formatting changes as needed for purposes of clarity, form, and consistency. These changes shall not in any way alter the language/intent of the bylaw; or do or act anything in relation thereto.

**Proposed by:** TOWN CLERK

**Select Board Recommendation:** Support (Unanimous)

**Advisory Committee Recommendation:** Support (Unanimous)

**Summary:** *This article authorizes the Town Clerk to make non-substantive corrections to the Town Code as needed for purposes of clarity, form, and consistency. These changes shall not in any way alter the language/intent of the bylaw.*

**MOTION MADE:** I move Article 32 "To see if the Town will vote to adopt as Article V §27-28 of the Town Code the following:

**§27-28 Correction of Non-Substantive Scrivener and Formatting Errors**

The Town Clerk is authorized to correct typographical, grammatical, numbering and punctuation errors, as necessary, in the Town Code; and the Town Clerk is authorized to make formatting changes as needed for purposes of clarity, form, and consistency. These changes shall not in any way alter the language/intent of the bylaw; or do or act anything in relation thereto.

**AMENDMENT 32-A MADE:** I move to amend the motion by adding the following words: "Any modifications proposed by the Town Clerk must be approved by the Town Counsel prior to enactment."

**AMENDMENT 32-A FAILED.**

**AMENDMENT 32-B MADE:** I move to amend the motion by adding the following words: "I want the Select Board to approve the changes."

**AMENDMENT 32-B FAILED.**

**MOTION PASSED BY MODERATOR DECLARED 2/3<sup>rd</sup> MAJORITY.**

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***Approved by the Attorney General on June 5, 2023.***

**ARTICLE 33:** To see if the Town of Southborough will vote to authorize the Select Board to petition the General Court of the Commonwealth pursuant to the Provisions of Clause (1) of Section 8 of Article 2 of the Amendments to the Constitution of the Commonwealth of Massachusetts and all other applicable laws for a Special Law, substantially in the following form:

AN ACT GRANTING THE TOWN OF SOUTHBOROUGH THE AUTHORITY TO PROVIDE LEGAL VOTING RIGHTS IN MUNICIPAL ELECTIONS FOR TOWN OF SOUTHBOROUGH RESIDENTS AGED 17 YEARS OLD

Be enacted by the Senate and House of Representatives in the General Court assembled. and by the authority of the same as follows:

Notwithstanding the provisions of section 1 of chapter 51 of the General Laws or any other general or special law, rule or regulation to the contrary, any individual aged 17 years old residing in the Town of Southborough, who is ineligible to vote due to age under state law, but who is otherwise eligible to vote under state law, may upon application have their names entered on a list of voters. Such individuals on the list of voters may vote in any election for local offices and local ballot questions in accordance with this Act.

The Town of Southborough is hereby authorized to pass ordinances to implement the purpose of this act subject to all the provisions of the Southborough city charter.

Nothing in this act shall be construed to confer upon local voters the right to vote for any state or federal office or any state or federal ballot questions.  
; or do or act anything in relation thereto.

**Proposed by:** OWEN JAMES NICHOLS-WORLEY, ET AL.

**Select Board Recommendation:** Support (4-1-0)

**Advisory Committee Recommendation:** Not Support (2-3-0)

**Summary:** *This is a Citizen's Petition.*

**MOTION MADE:** I move Article 33 as printed in the warrant.

**MOTION PASSED.**

**ARTICLE 34:** To see if the Town will vote to amend the Zoning Map, for the properties listed below, by changing the Zoning District and Map boundary from Business Village BV having an existing boundary line 400 feet from Turnpike Rd. to Business Highway BH having boundary line 800 feet from Turnpike Rd. for the following three parcels all of which have frontage on Turnpike Rd.: 84 Turnpike Rd. (Assessor Map 38-10), 88 Turnpike Rd. (Assessor Map 38-11), and 2 Woodland Rd. (Assessor Map 38-12).  
Old Farm Buildings Will Be Kept.

(Purpose: These three parcels are not properly zoned, for unknown reasons, probably a historical anomaly. They have a total acreage of about 14 acres, which is far greater than other typical parcels in the adjacent Business Village BV district, where the typical lot size is only a quarter to a half acre per lot. In Fact, the total acreage of these three parcels is greater than the combined acreage of ALL the other parcels in the entire BV district. The most appropriate zoning district for these Parcels is Business Highway BH, which has similar uses to BV but allows larger building sizes. Most other properties which have frontage on Turnpike Rd. are now zoned Business Highway BH, which is the same district intended for these three parcels, so they will fit into the appropriate pattern. The final reason is this: the applicant

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intends to collaborate with the Conservation Commission and Open Space Preservation Committee, to create a new and continuous public pathway network, which could link the Breakneck Hill open space, passing across Woodland Rd. to the Sudbury Valley Trustees (SVT) open parcels, and then the Town Forest off Oak Hill Rd. Also, in the other direction, potentially all the way to the Sudbury Reservoir.) ; or do or act anything in relation thereto.

**Proposed by:** DAVID PARRY, ET AL.

**Select Board Recommendation:** At Town Meeting

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *This is a Citizen's Petition.*

**THE ARTICLE WAS NOT MOVED – NO ACTION TAKEN.**

**ARTICLE 35:** We, the undersigned residents of Southborough, direct the Southborough Select Board to install three (3) driver feedback **25 MPH** speed limit signs on Parkerville Road north.

**Proposed by:** PETER LAPINE, ET AL.

**Select Board Recommendation:** Not Support (Unanimous)

**Advisory Committee Recommendation:** Not Support (0-4-1)

**Summary:** *The proposal to improve public safety for Parkerville Road (north) submitted to the Southborough select board, made in March 2022, clearly and unambiguously specified two (2) important elements: 1. Lower the speed limit from 30 MPH to 25 MPH for the entirety of the street from Turnpike Road (route 9) to Main Street (route 30) 2. Erect three (3) driver feedback signs: two (2) on the east side of the street and one (1) on the west side of the street - their detailed locations described in the documentation. MA DOT gave its permission to allow for the specified changes in November 2022. This article provides for the completion of item 2 described above.*

**THE ARTICLE WAS NOT MOVED – NO ACTION TAKEN.**

**ARTICLE 36:** We, the undersigned residents of Southborough, petition the Southborough Advisory Board and the Southborough Select Board to add the following item to their respective agendas:

Add eighteen thousand (18,000) dollars to the Southborough Select Board budget in order to cover the costs associated with installing three (3) driver feedback speed limit signs for Parkerville Road North.

**Proposed by:** PETER LAPINE, ET AL.

**Select Board Recommendation:** Not Support (Unanimous)

**Advisory Committee Recommendation:** Not Support (0-4-1)

**Summary:** *This is a Citizen's Petition.*

**THE ARTICLE WAS NOT MOVED – NO ACTION TAKEN.**

**ARTICLE 37:** To see if the Town of Southborough will vote to request that the Select Board exercise the Town's option to withdraw without penalty from the Inter-municipal Agreement a draft of which is entitled "Agreement for a Metro West Regional Emergency Communications Center District" per the terms of Section 4 Paragraph A of that agreement, 'Any Town shall have the right to withdraw from this Agreement, by giving written notice in accordance with Section 23 no later than June 1, 2023, and, upon such termination, the terminating Town shall have no further responsibility hereunder.' and to request that the Board not enter into any IMA for similar purpose without first presenting the principal terms to Town Meeting for its recommendation thereupon; or do or act anything in relation thereto.

**Proposed by:** BONNIE PHANEUF, ET AL.

**Select Board Recommendation:** Not Support (Unanimous)

**Advisory Committee Recommendation:** Support (Unanimous)

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**Summary:** *There are substantive changes and omissions to the (IMA) Regional Emergency Communications Center District Agreement, which the Southborough community should be made aware of.*

**MOTION MADE:** To see if the Town of Southborough will vote to request that the Select Board exercise the Town's option to withdraw without penalty from the Inter-municipal Agreement a draft of which is entitled "Agreement for a Metro West Regional Emergency Communications Center District" per the terms of Section 4 Paragraph A of that agreement, 'Any Town shall have the right to withdraw from this Agreement, by giving written notice in accordance with Section 23 no later than June 1, 2023, and, upon such termination, the terminating Town shall have no further responsibility hereunder.' and to request that the Board not enter into any IMA for similar purpose without first presenting the principal terms to Town Meeting for its recommendation thereupon; or do or act anything in relation thereto.

**MOTION PASSED.**

**AT 11:00 PM Moderator Paul M. Cimino, received consent from the hall to continue the meeting.**

**ARTICLE 38:** To see if the Town of Southborough will vote to direct the Select Board to require Emergency Dispatch Services to be in and under the sole control of the Town of Southborough. And further to direct the Select Board to cease and desist any regionalization efforts, unless moving said services out of the Town of Southborough is agreed to by a majority of voters present at a Town Meeting. In addition, no money or incentives from state grants or state agencies as part of a regionalization process shall be utilized or taken advantage of until Town Meeting voters have approved such usage; or do or act anything in relation thereto.

**Proposed by:** KYLE DEVINCENT & HEATH WIDDISS, ET AL.

**Select Board Recommendation:** Not Support (Unanimous)

**Advisory Committee Recommendation:** Not Support (Unanimous)

**Summary:** *This article would serve to keep Emergency Dispatch Services in and under the sole control of the Town of Southborough and not as part of any regionalization program.*

**MOTION MADE:** I move the article as printed in the warrant.

**MOTION PASSED.**

**Town Clerk James F. Hegarty was sworn in to act as the temporary Moderator for Article 39 in case Moderator Cimino chose to speak about the article.**

**ARTICLE 39:** To see if the Town of Southborough will vote to authorize the Select board to petition the General Court for a special act amending Chapter 447, Acts of 1991 AN ACT ESTABLISHING A DEPARTMENT OF PUBLIC WORKS IN THE TOWN OF SOUTHBOROUGH.

Section 5 of chapter 447, Acts of 1991 established a Public Works Planning Board and included the following language conferring authority to appoint the members: "Said board shall consist of five members, three of whom shall be appointed by the moderator or said town and two of whom shall be appointed by the planning board of said town.

The Select Board is authorized and requested to petition the General Court for a special act to change the Section 5, Chapter 447, Acts of 1991 identified above to "Said board shall consist of five members, four of whom shall be appointed by the planning board of said town and one whom shall be appointed by the health department of said town."

; or do or act anything in relation thereto.

**Proposed by:** PATRICIA BURNS-FIORE, ET AL.

**Select Board Recommendation:** Not Support (1-4-0)

**Advisory Committee Recommendation:** Not Support (Unanimous)

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**Summary:** *This adjustment to Chapter 447 will change the appointing authority of the Public Works Planning Board to the Planning Board and (to be amended) Board of Health. Appointments to this board should be under the auspices of multi-person boards who are stakeholders in the types of projects under the jurisdiction of the DPW.*

**MOTION MADE:** I move article 39 as printed in the warrant, replacing the words “Health Department with Board of Health.”

**MOTION FAILED.**

**ARTICLE 40:** We recognize and appreciate that on March 10, 2020, The Town of Southborough Selectboard approved a Small Cell (5G) Equipment policy in an effort to maintain local zoning authority. Though the town has instituted said policy, the policy must now be updated to provide science based setbacks from residential homes and schools and include other real property value safeguards for residents. We hereby request The Selectboard take immediate action to minimize future economic, environmental, safety and social risks by addressing gaps in the Small Cell Policy and updating said policy to add science based setbacks. Setbacks at 1640 feet have been demonstrated to be protective of the biological effects of wireless radiation per New Hampshire Commission’s official review of peer reviewed scientific studies. Setbacks are the first step in ensuring everyone is protected from Radio Frequency Radiation (RFR),  
or do or act anything in relation thereto.

**Proposed by:** HEIDI DAVIS, ET AL

**Select Board Recommendation:** At Town Meeting

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *This is a Citizen’s Petition.*

**THE ARTICLE WAS NOT MOVED – NO ACTION TAKEN.**

**ARTICLE 41:** We hereby request that the Town of Southborough send a letter of concern on behalf of residents requesting that the FCC address the 2021 Court’s ruling that the FCC must justify its decision-making process regarding its decision not to update its 1996 exposure guidelines. We request that efforts be pursued to address the federal regulatory gap, so that the town and Commonwealth are not misinformed in approving infrastructure on the basis of 1996 guidelines, thereby potentially endangering both the public and the natural environment. We also ask that the town officials write to Massachusetts’ elected state and federal officials and agencies to request that the elected officials and agencies take action to minimize future economic, environmental, safety, and social risks by addressing the Federal regulatory gap regarding wireless infrastructure, including any radio frequency radiation (RFR) emitting infrastructure being installed proximal to homes, schools, and sensitive environments.  
,or do or act anything in relation thereto.

**Proposed by:** HEIDI DAVIS, ET AL

**Select Board Recommendation:** At Town Meeting

**Advisory Committee Recommendation:** At Town Meeting

**Summary:** *This is a Citizen’s Petition.*

**THE ARTICLE WAS NOT MOVED – NO ACTION TAKEN.**

**ARTICLE 42:** To see if the Town will vote to cease all work by the Town on the St Marks Road Project.

**EXPLANATION**

The project needs to be terminated because it lacks legitimate public purpose. There are three issues.

(1) INTERSECTION. The original justification put forward (by the former Town DPW Superintendent) was that the existing St Marks Road intersection was flooding. But this flooding was merely short-lived,

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shallow ponding, during heavy rain storms. It was caused by St Marks School, quite recently, when they built a stone wall (without permits) within the right-of-way, which blocked the natural flow of water away from the road. This flooding could easily have been solved by St Marks, by simply removing a section of their wall. However, instead the Town DPW installed an expensive underground piped drainage system, under Marlborough Rd.

(2) TRAFFIC. The intersection works fine and has an excellent safety record. It has good sight distance, and no history of serious accidents. It was completely rebuilt in 2005 to allow for larger vehicles. The conclusion is that it does not need to be replaced. (which Project seeks to do).

(3) PARKING LOT. The Town should not be using public funds to build a private parking lot for St. Marks School. They can easily build their own parking lot on their own land, just as exited before this Project began. One question is – Will all the funds spent by the Town so far be wasted if we stop now? The answer is NO, because the drainage system has solved the intersection problem, and the gravel can be re-used by St Marks for its own parking lot. Therefore, St Marks has already benefitted substantially from what has been done so far. Now is the time for the Town to STOP. Enough is enough.

,or do or act anything in relation thereto.

**Proposed by:** DAVID PARRY, ET AL

**Select Board Recommendation:** Not Support (Unanimous)

**Advisory Committee Recommendation:** Not Support (Unanimous)

**Summary:** *This is a Citizen's Petition.*

**THE ARTICLE WAS NOT MOVED – NO ACTION TAKEN.**

**ARTICLE 43:** To see if the Town of Southborough will vote to request the Select Board and/or Advisory Committee to write to the State Inspector General (IG), informing the IG that Southborough Town Meeting voted to request a forensic investigation of the two Town Departments which managed the St Marks Road Project. These two Departments are the Department of the Town Administrator (DTA), and the Department of Public Works (DPW). Together they were responsible for the Project's planning, financing and management. Town Meeting has voted to reject the Project and believes that a thorough investigation of the Project is needed, to clarify how it was managed and who was responsible. Since the State inspector General does not usually reveal the results of their investigations, and since Town Meeting believes it would benefit from receiving a report of the investigation, THEREFORE Town Meeting requests the Town Advisory Committee to conduct its own investigation, and to report back to Town Meeting.

**EXPLANATION**

A forensic investigation is the ONLY way to get to the bottom of what went wrong and why. The IG is the appropriate State Agency. The Town Advisory Committee has the following in the Town Bylaw: "The Advisory Committee shall have authority at any time to investigate the books, accounts and management of any department of the town...". The major concerns about management are these: (1) The attempt to spend over \$1million in town funds, to build an entirely new road which is not needed, because the new road will replace an existing road which has worked fine for decades. (2) The attempt to swap a land parcel now used as a public road and therefore has substantial value, for a privately-owned land parcel now used as lawn grass and therefore has less value than a road. (3) The attempt to build a private parking lot for St Marks School, and have it paid for by the Town. (4) The mis-use of State DOT grant funds in two ways, namely: (A) Spending State funds on non-eligible items. And (B) Spending State funds on private property. In addition, there are many other problems to numerous to mention here.

,or do or act anything in relation thereto.

**Proposed by:** DAVID PARRY, ET AL

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**Select Board Recommendation:** Not Support (Unanimous)

**Advisory Committee Recommendation:** Not Support (Unanimous)


**Summary:** *This is Citizen's Petition.*

**THE ARTICLE WAS NOT MOVED – NO ACTION TAKEN.**

**At 12:27 AM ON MARCH 26, 2023, A MOTION TO DISSOLVE THE ANNUAL TOWN MEETING PASSED.**

**True Copy**

**Attest:**

A handwritten signature in black ink that reads "James F. Hegarty". The signature is written in a cursive style with a large, stylized "J" and "H".

---

**James F. Hegarty, Town Clerk**